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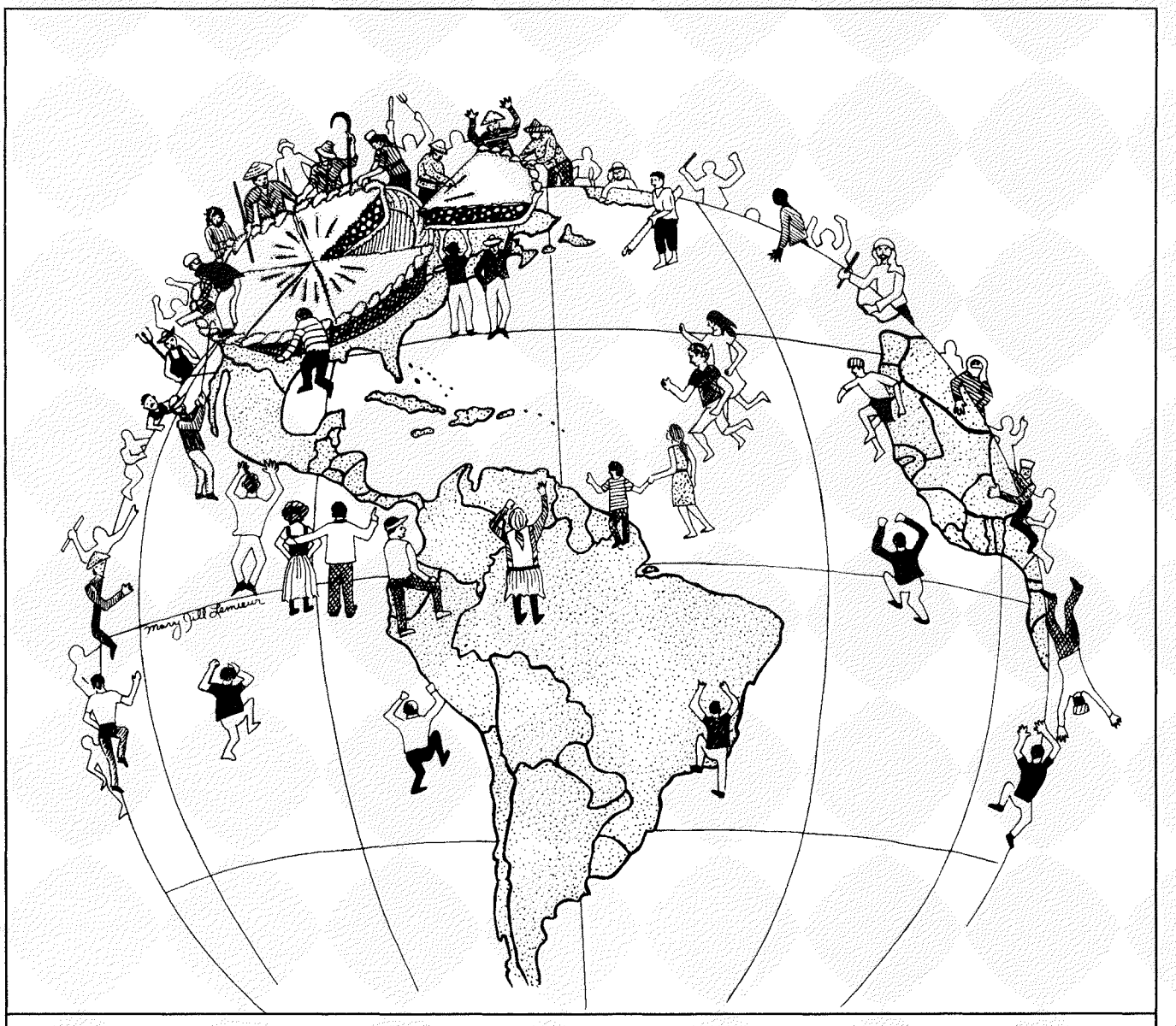
THE SOCIAL CONTRACT

Vol. VI, No. 2 Winter 1995-96



Affirmation Action for Immigrants?

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A STATEMENT OF PURPOSE

Just over two decades ago, concern over rapidly growing human population led to the development of the so-called "population movement" aimed at reducing the rate of population growth, both at home and abroad. At home, for a variety of reasons, birth rates fell sharply to sub-replacement levels. However, immigration grew steadily due, in significant measure, to the burgeoning population overseas. Today, human numbers world wide expand at about 10,000 per hour, a quarter of a million each day, 90 million a year.

The combined circumstances of low birth rates and high immigration pressures pose for all the developed countries the three most fundamental questions of immigration policy:

1. **How** many people should we admit, and **what factors** should be taken into account in setting this limit?
2. **Who** should be chosen to immigrate, and **what criteria** should be used for choosing?
3. **How** can we humanely enforce the rules we decide upon?

THE SOCIAL CONTRACT seeks to explore and illuminate these questions by publishing new material, and also by pulling together and reprinting existing works from many now-scattered sources. Our goal is to provide a periodical devoted to the interrelated topics of:

- **Human population** questions, including its absolute size, rate of growth, and distribution. In nations with low natural increase and high immigration, the latter is a significant component of population growth. (In an ideal world, policy on immigrant numbers would derive from a national population policy.)
- **Immigration policy**, especially as it relates to the three basic policy questions mentioned above: how many, who, and how?
- **Language, assimilation, and national unity** considerations, which in large measure derive from and are driven by immigration and assimilation policies.
- **The balance of individual rights and civic responsibilities** since, as with many issues today, population, immigration and language questions are often framed in terms of 'rights.' What is the proper balance of individual and community rights and interests?

Our method for approaching these connected issues is the time-honored concept of "The Social Contract." Most great public issues are basically moral and ethical ones: What is the right thing to do? How do we decide what we think is right? When 'rights' collide, which ones take precedence? The discipline of thinking through these issues in terms of a Social Contract allows one to achieve a balance: of individual and community interests; of the short and the long term; and of utopian idealism and the realities of the world in which we live.

But most importantly, THE SOCIAL CONTRACT is not a detached forum for discussion in some backwater of life. Our issues are all in the forefront of public policy discussions in the United States, which is our primary focus. Our Editorial Advisors are drawn from many of the main organizations trying to influence the course of policy in the issue areas we have chosen. Our journal is one of the tools they use to raise questions, debate themes, and communicate ideas — to encourage vigorous public debate and subsequent changes in our laws and public policies.

We invite you to take part in this Great Debate by reading and contributing to THE SOCIAL CONTRACT.

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THE SOCIAL CONTRACT

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Affirmative Action for Immigrants? Editorial

About a year ago there was a good deal in the press about an initiative effort in California to put an affirmative action measure on the ballot in the fall of 1996. Realizing that there was an immigration angle to the affirmative action story, we asked our senior analyst James Robb to look into the connection. The result was his 121-page monograph entitled "Affirmative Action for Immigrants: The Entitlement Nobody Wanted." For this issue of THE SOCIAL CONTRACT he condenses his report to ten pages, which we are pleased to present as our cover article. (Jim says that in this process of abbreviation he learned what Pascal meant when he wrote to a friend, "I have made this letter longer than usual, because I lacked the time to make it short.")

Whether the initiative will make it to the California ballot remains to be seen. (I know from personal experience on two occasions just how trying a process it is in California.) But the absurdity of giving preferences to immigrants freshly arrived in the country does seem to be the Achilles' heel of the affirmative action program, as one of Robb's interviewees claimed. We chose that symbolism for our cover art.

It seems to us that *either* immigrants will have to be excluded from affirmative action programs *or* the programs will have to be scaled back substantially. It will be of interest to see how this plays out in the forthcoming election cycle.

We call your particular attention to David Simcox's article, "USA — Land of Perpetual Immigration?" This is a commentary on an article by Douglas Massey that Dave had discovered. Too long to reprint in our journal, the article contends that we Americans place excessive faith in enacting laws as a way to change behavior (at least in immigration matters).

Massey believes that much of the credit for breaking immigration flows that is given to the Acts of 1921 and 1924 belongs instead to other phenomena: the disruption of shipping in WW I, and then the Great Depression and WW II.

Conversely, he feels that much of the blame laid on the Act of 1965 for opening up immigration is misplaced. Instead we should look to such factors as the doubling of world population from two billion in 1910 to 4 billion in 1975 (hence increasing "push" pressures), the improvements in communication technology that helped get people to thinking about migrating, and the betterment in modes of transportation that have made moving easier, and perhaps even less expensive in inflation-adjusted currency.

One way to test this thesis is to ask what the result would have been if the 1965 Act had passed in 1924, and the 1924 Act in 1965. Would the flow have opened up in 1924, and closed down in 1965? Probably not. As it was, both pieces of legislation were "going with the flow" of their times, and were reinforced by other trends that were already in place, or developed in subsequent years.

The significance of this reality for current reform efforts is that restrictive legislation today is "going against the flow" of a further increase in world population of 2 billion people by 2000 (over the 1975 figure); further improvements in communication and transportation technology; and the social, political, environmental and economic unrest in much of the sending world — *plus* the *momentum* of the immigrant stream. Massey performs a real service by spending some time on this concept of momentum, so important in demographic matters. More like driving a speeding auto than filling a sink, an immigration flow cannot be readily stopped. The unwelcome conclusion: just changing the laws, much as that needs to be done, will not likely bring the desired end to illegal immigration and the substantial slowing of legal immigration. More stringent measures will certainly be called for — what these might be I will leave to your imagination.

Information on how to obtain a copy of Massey's 20-page article can be found in the first endnote to Simcox's commentary.

These are certainly fundamental points with which immigration reformers must come to grips.

Elsewhere in the issue we present an interesting collage of materials on population, immigration, language and national unity concerns. We hope these will repay the reading time.

We always welcome your comments.

John Tanton
Editor and Publisher

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Letters to the Editor

Editor:

Congratulations on your treatment of the fine piece by Richard M. Hadden, "New Vistas for Diplomacy," which appeared in *The Social Contract*, Fall 1995. It is well written and attractively positioned.

The book Mr. Hadden has reviewed for you, *Religion: The Missing Dimension of Statecraft*, may be part of a trend toward recognition of an element in national problem-solving too often ignored. Doubtless you are aware of another volume with this emphasis, Stephen L. Carter, *The Culture of Disbelief*, which President Clinton has quoted. Carter, a Yale law professor, makes the point that although the vast majority of Americans have a significant sense of the importance of spiritual concerns, our culture conspires to suppress either speaking about them or acting on them.

Again, thanks for your work.

Sincerely,
T. Willard Hunter
Claremont, California

* * *

Editor:

Keep up the great work. *The Social Contract* is the most intellectually honest periodical published in the population/immigration field — and there are no close seconds.

Sincerely yours,
Stephen D. Mumford, Dr.P.H.
Research Triangle Park, N. Carolina

* * *

Editor:

The Social Contract is excellent. Its truth is undeniable. If only more policy makers read it.

People must come to realize that the collapse of advanced civilization now happening in southern California is just a foretaste of what massive immigration will bring [to] the whole country. Virtually every level of government here is near bankruptcy. Law enforcement is stretched thin, health care for the poor is disappearing, public education is the nation's most crowded.

If we value the *idea* of civilization as we have known it, we must keep that idea alive. Here in California the massive influx of poor immigrants is killing that idea. Soon it will die everywhere as welfare and medicare are cut back further and further. We can't take care of everybody, and soon we will take of nobody. The ideals of a caring and decent society will end here, as they ended in Russia.

We have to choose which we value more, an open door policy or an advanced humane society. There is no way we can have both, and in time we will probably have neither.

Sincerely,
Ms. D. Searcy
Morongo Valley, California

* * *

Editor:

The Social Contract is a splendid publication. I am doing what I can to promote it.

Keep up the good work!

Ronald Hilton
Hoover Institution
Stanford, California

* * *

Editor:

Please cancel my subscription. I have irreconcilable differences with your publication.

Michael Beck
Assistant Editor, *Population Report*
Glendale, California

* * *

Editor:

I read every copy from cover to cover and really appreciate the valuable information.

Sincerely,
James G. Matthews, D.O.
Grand Prairie, Texas

* * *

Editor:

"Never doubt that a small group of thoughtful committed citizens can change the world. Indeed, it's the only thing that ever has." (— Margaret Mead)

I first became acquainted with *The Social Contract* through a dear friend intensely devoted to exposing the absolute absurdity of our insane immigration laws

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and policies. And, because of your special offer of a reduced rate I was able to fit a one-year subscription into the very limited budget of a retired senior citizen.

Since this year seems to be the best (and maybe the last) chance to get effective reform, I want to support all those organizations and individuals who have, in the words of Margaret Mead quoted at the beginning of this letter, strived for so long to protect the American Dream from the onslaught of foreigners. I want to avail myself of all truths about the damage being done to our beloved country so I can refute pro-immigration falsehoods.

And, because of another reduced rate, I was able to become the proud owner of Mr. Beck's *Re-Charting America's Future*. It is great! I use it constantly to debunk immigration myths.

As a citizen of a state (Texas) bordering a foreign nation (Mexico) I live daily with the destructive consequences of *all* forms of immigration. Those consequences will continue to worsen as the flow of aliens continues to increase. Texas is definitely headed for the same fate as California.

Respectfully,
W. O. McCright
Austin, Texas

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James Robb is senior analyst for THE SOCIAL CONTRACT. *This paper is based on his monograph* Affirmative Action for Immigrants: The Entitlement Nobody Wanted *which is available from The Social Contract Press. See the ordering instructions at the end of this article.*

Affirmative Action for Immigrants

The Entitlement Nobody Wanted

By James S. Robb

Summary of Findings

Over the past 30 years, affirmative action (racial preference) policies have been extended to more and more racial and ethnic groups, despite the fact that they were originally created to address a rather narrow set of injustices against American blacks.

Now, through a combination of poorly written legislation, murky executive orders, and general inattention, *millions of immigrants are eligible for affirmative action benefits upon arrival.* This startling phenomenon is caused by several things.

First, affirmative action policy makes no distinctions concerning country of origin. To meet affirmative action goals mandated by the government, a firm need only hire a certain number of employees from various racial/ethnic groups, *regardless of whether or not they are citizens.*

Second, the massive immigration influx of the past three decades has brought in immigrants who are mostly Hispanic, Asian, or black. Thus, *most new immigrants automatically become protected minority group members.* In 1993, for example, 74.9 percent of legal immigrants came from countries whose citizens are generally considered members of the protected racial/ethnic groups.

Completing this disturbing picture is that *Congress*, apparently by accident, wrote language into its Immigration Reform and Control Act of 1986 which effectively *made it illegal to bar immigrants from affirmative action programs.* In the 1986 bill, Congress required immigrants to be treated exactly like native-born citizens for purposes of employment. Thus, when affirmative action is practiced by employers, the legislation effectively *entitles* immigrants to those benefits.

So, employers not only *can* include non-native born persons in their affirmative action programs, *they must.* Immigrants gain these benefits despite the fact that affirmative action was designed to redress grievances of America's historic minorities, primarily blacks.

"...millions of immigrants are eligible for affirmative action benefits upon arrival."

An abundance of evidence demonstrates that immigrants profit heavily from these programs:

- In faculty hiring, universities typically do not even inquire about the citizenship of prospective teachers. Stanford University, for example, investigated the matter and found that more than half of its ethnic faculty members were actually foreign-born.
- The hard sciences in American universities are increasingly dominated by foreign students. For example, 10 foreign Asians now receive Ph.D.s in the hard sciences to every one earned by an American-born Asian. And 46 percent of all Ph.D.s awarded here in the sciences now go to non-citizens, most of whom are ethnic minorities. As a result, industry and academia are increasingly turning to foreign-born scientists to meet affirmative action hiring goals.
- Immigrants have also begun to make great inroads into minority contractor setasides (government contracts reserved for minority-owned firms). In Washington, D.C., for example, 60 percent of minority setaside contracts awarded by the city during the late 1980s went to firms owned by a

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family of Portuguese immigrants.

- Affirmative action for immigrants has become an issue in the parceling out of municipal jobs. In Los Angeles, a tremendous struggle has begun between black Americans, who now hold 30 percent of LA County's 80,000 public jobs, and Hispanics, many of whom immigrated from Mexico.

During *The Social Contract*'s five-month investigation into affirmative action being awarded to immigrants, we worked out four steps which we believe would eliminate the granting of affirmative action benefits to immigrants (if affirmative action is retained):

1. The government should start keeping statistics by nationality to determine which groups are now benefiting from affirmative action;
2. The government should clarify who counts as an authentic protected minority;
3. A legislative and administrative consensus should be reached to keep immigrants out of affirmative action programs;
4. The president should sign an executive order stating that immigrants do not count toward the fulfillment of affirmative action goals. Further, Congress should adopt legislation allowing employers to exclude immigrants from affirmative action.

Why Nobody Seems To Know

Well before this investigation began, strategically located advocates of affirmative action began to grow alarmed that newly arrived immigrants were slipping into racial preference programs even though the immigrants had never experienced the conditions which caused the programs to be developed.

According to Ricky Gaull Silverman, vice-chairman of the Equal Employment Opportunity Commission (EEOC), immigrant participation is "the ultimate nightmare of affirmative action. It is its Achilles' heel."[1]

Her concern that immigrant participation will undermine affirmative action has not, however, resulted in EEOC's gathering much data on the subject. In fact, none of the government agencies and offices charged with administering and enforcing affirmative action policy has done a formal study or seems to possess any hard data on the subject. Likewise, the General Accounting Office, which has studied numerous aspects of affirmative action policy and programs, has skipped this angle.

Johnathan Tilove, a writer for Newhouse News Service, spent several months investigating whether immigrants enjoy affirmative action benefits. Concluding that they often do, Tilove wondered why apparently no one had written on the subject before. "[Immigrant participation] is a wholly unintended, largely undebated, and virtually unreported phenomenon that goes to the guts of American race and immigration policy," he wrote.[2]

"...immigrant participation is 'the ultimate nightmare of affirmative action. It is its Achilles' heel'" — Ricky Gaull Silverman, EEOC

It is almost as though the question poses an embarrassment to the affirmative action establishment. Perhaps the reluctance to look too closely at immigrant involvement in affirmative action is just part of a general hesitation among more liberal social scientists to undertake research which might tend to undermine support for the policy. That is the view, at least, of Frederick R. Lynch, of the Claremont Institute, who has studied and criticized racial and ethnic preference programs for several years. [See the interview with Professor Lynch in this issue beginning on page 98.]

"Affirmative action is the Bermuda Triangle of sociology," he said. "You fly into it, and you may never be heard from again." Recently, he said, he had attended a convention for sociologists in which 600 papers were presented. Not a single paper dealt with affirmative action, which is surprising in light of the developing national debate over the issue. He said his research into the subject has taken a toll. "I've lost job opportunities, promotion opportunities," Lynch stated. "I've damn near had to leave the field."[3]

On the other hand, libertarian-type conservatives, who are usually critical of anything connected with affirmative action, shy away from scrutinizing this particular topic because of their support for a wide-open immigration policy. If some immigrants are shown to be involved in what are to them unacceptable programs (i.e., affirmative action), that might tend to

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weaken support for the historically high levels of immigration in place today.

The lack of data on immigrant participation may also be, in part, the result of mere benign neglect. Administrators throughout the government and private sectors, when contacted by the author for their knowledge of immigrant participation, confessed to near-total ignorance of the subject. Perhaps no one has thought the topic important enough to merit much research. As will become clear, however, many people involved in affirmative action programs are very much concerned.

Perhaps a deeper reason for the lack of research is that the topic is potentially so painful. For if immigrants are indeed found to be displacing, to whatever degree, American minorities in affirmative action programs, some hard choices will have to be made. Giving immigrants an immediate advantage over U.S.-born historic minorities is the kind of social engineering few Americans are likely to condone. It may be that immigrants have to be explicitly barred from some privileges native-born American citizens enjoy. Or perhaps the web of myriad affirmative action programs will have to be scaled back. Or both.

"Giving immigrants an immediate advantage over U.S.-born historic minorities is the kind of social engineering few Americans are likely to condone."

In either case, the prospect of immigrants moving into affirmative action programs poses a serious threat to not one, but two proverbial cows sacred to established interest groups—wide-open immigration and unrestricted affirmative action.

The Origins of Affirmative Action

In 1964, Congress passed the most far-reaching racial justice legislation in U.S. history, the Civil Rights Act. This legislation made discrimination illegal in everything from drinking fountains to public accommodations. In Title VII, section 703(a) of the act, employers were forbidden to discriminate in the hiring or treatment of personnel "because of a person's race, color, religion, sex, or national origin."[4]

Significantly, although Congress' biggest concern was to remedy discrimination against blacks, the act's broad language had sweeping implications for many other groups. The Civil Rights Act effectively forbade discrimination against Asians, Hispanics, Jews, and women, to name just a few affected groups.

The term "national origin" appeared ambiguous, however, leaving unclear just what Congress meant by it. Were employers required to hire immigrants even when U.S. citizens were available? Or did it only mean that employers could not turn people away based on where their *ancestors* came from? In what circumstances — if any — could American companies, schools, and governmental bodies prefer citizens over non-citizens?

Even though a later Supreme Court decision and several important clauses in subsequent relevant legislation attempted to straighten matters out, confusion over these questions has continued to this day. In fact, misunderstandings of the term "national origin," as used in the Civil Rights Act of 1964 and in the Immigration Reform and Control Act of 1986, have contributed heavily to the controversy over immigrants participating in affirmative action programs.

Tentative First Steps Toward Affirmative Action

To enforce the tenets of the Civil Rights Act, Congress instructed the executive branch to implement appropriate regulations. The term "affirmative action" first cropped up in the pivotal Executive Order 11246, issued by the Johnson Administration in September, 1965. This rule required federal contractors to take a color-blind approach in their hiring practices. "The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin," the order states.[5]

This first use of the affirmative action concept was a straight-forward attempt to apply Title VII to government-controlled economic sectors. The emphasis was on equality of treatment rather than the achievement of a specific result. In fact, Congress, in debating the Civil Rights Act, had taken pains to prevent the legislation from sanctioning preferential treatment of any minority group. In Section 703(j), Title VII states,

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Nothing contained in this subchapter shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this subchapter to grant preferential treatment to any group because of the race, color, religion, sex, or national origin of such individual or group on account of an imbalance which may exist...[6]

Backers had repeatedly stressed this point on the floor of the Senate during the debate. Indeed, Sen. Humphrey declared that he would literally eat the bill if it were used to mandate race-preference hiring practices.[7]

Affirmative Action Grows Ambitious

During the Nixon Administration, affirmative action metamorphosed into the collection of social policies we recognize today. In the waning days of LBJ's term, regulations issued by the Department of Labor's Office of Federal Contract Compliance first compelled all federal contractors to establish "goals and timetables" for hiring more minorities and women, rather than expecting them merely to avoid discrimination against individual persons.

"Senator Humphrey declared that he would literally eat the bill if it were used to mandate race-preference hiring practices."

Forcing this change on federal contractors carries more of a punch than is immediately obvious. Since most large corporations and virtually all universities and hospitals vie for federal contracts, Labor Department mandates, including affirmative action rules, directly affect some 90,000 organizations employing 25 million people.[8]

In 1969, President Nixon's Labor Department put considerably more teeth into "goals and timetables." A dispute had been brewing for some time over the low number of African-Americans in Philadelphia's construction industry. Investigating, the department had found that many skilled black workers were available, but few were used. The culprits turned out to be the local union hiring halls, which refused to add blacks to the roster. The Labor Department lacked the rule-making authority to order the labor unions to alter their policies.

Concerned about recent black rioting in the inner cities, the department took a drastic step. It told the Philadelphia contractors they must develop and meet, or make every effort to meet, specific numerical hiring goals to be considered for contracts, this even though it was determined that the contractors were not responsible for the problem.[9]

As the 1970s progressed, various governmental agencies continued to broaden and deepen the impact of affirmative action. One of the largest, and most controversial, affirmative action policies is minority contractor set-asides. It reserves a certain percentage of government contracts for firms at least 51 percent minority owned. Programs using this approach awarded minority-owned firms $6 billion in defense contracts in 1994, $4 billion in contracts administered by the Small Business Administration, and several billion more dollars for transportation contracts.

Color Makes a Comeback

To enforce the new quasi-quotas, the government found it necessary to introduce a system of racial and ethnic typing. In order to be certain employers were not discriminating by race or ethnicity, the administration decided to tag virtually everybody by race or ethnic group. Since the protective language of Title VII was so broad, Americans were to be divided into five racial and ethnic categories: White, Asian/Pacific Islander, Hispanic, Black, and American Indian.[10]

The new system was a radical departure from previous policy. Not only did the notion of "color-blindness" become passé, the Labor Department in effect created several new minority groups out of whole cloth. People who formerly might have thought of themselves as Mexican-American, Cuban-American, or Brazilian-American, now discovered they belonged to a single minority, "Hispanics."

Chris Norby, a history teacher in Brea, California, scorns such broad-brush labels. "In my own [school] district," he declared, "our 'Hispanics' include both recent immigrants and fourth generation Mexican-Americans who speak no Spanish at all, both children of Cuban-American doctors and descendants of Basque shepherds from northern Spain."[11]

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New Mission for Affirmative Action

The inclusion of virtually every conceivable minority group into affirmative action plans eventually forced a sharp shift in the rationale used to justify the policy. As long as the primary purpose of the policy remained to correct old wrongs done to blacks and to a few other long-suffering minorities, such as American Indians, then affirmative action maintained some philosophic coherence.

When the government turned its attention to groups encompassing virtually the entire population, however, the old explanations no longer satisfied. As noted above, many people now considered members of a protected minority were far from needing help. More troubling was the inclusion of the immigrant population along with U.S.-born minorities.

What possible harm has the United States done to an immigrant just arriving from, say, Jamaica? And yet, immediately upon arrival the Jamaican would be classified as "non-Hispanic black," along with the descendants of America slaves. Further, the Jamaican's income is likely to be higher than that of U.S. blacks.

"It is a historical accident," claims Peter Skerry, a fellow of the Woodrow Wilson International Center for Scholars in Washington, "that the groups that received distinctive protection under civil-rights legislation and judicial rulings were shortly to expand greatly through immigration — legal and illegal."[12]

For example, at the turn of this century there were more Americans claiming to be of Swiss ancestry than Spanish. The latter numbered fewer than a quarter million people.[13] The Census Bureau now records more than 22 million Hispanics in the U.S., an approximate 100-fold increase.

Granting special rights to people just arriving "has led to confusion in area after area of public policy," Skerry suggests. Every place made at the affirmative action table for a new group must necessarily result in less room for all the others.

This problem extends well beyond the Hispanic community, however. A survey of data supplied by the Immigration and Naturalization Service revealed that *74.9 percent of incoming and legalized immigrants in 1993 came from nations whose inhabitants, once in the U.S., generally qualify as members of the protected racial/ethnic minorities.* In other words, about three out of four immigrants in 1993 became eligible for affirmative action benefits as soon as they received their "green cards."[14]

A New Rationale

To solve the dilemma of offering special treatment to people not necessarily in need of it or (using traditional reasoning) especially deserving of the help, a new motive for affirmative action was required.

Multicultural diversity provided the answer. Redressing legitimate grievances began to be replaced by the new goal of making work forces and student bodies as representative of the surrounding populations as possible. That way, affirmative action planners could justify including immigrants in their calculations merely because they were there.

"...74.9 percent of incoming and legalized immigrants in 1993... qualify as members of the protected racial/ethnic minorities."

"To make the connection that affirmative action should only be for native-born Americans seems kind of ludicrous to me," commented Larry Hardy, who is affirmative action officer for the Office of the President of the University of California system.

Hardy stressed that today's *raison d'être* for affirmative action has broadened from that of righting "past discrimination" to ameliorating "present effects." Getting the pool from which new University of California employees are chosen to match the ethnic and gender makeup of the surrounding area's market as closely as possible is his mission, Hardy said. "Whether [potential employees] come from Africa or were born here, it's irrelevant," he stated.[15]

How Did This Happen?

This question is at the heart of the matter: is it legal to bar immigrants from affirmative action programs in order to favor U.S.-born minorities? Does it matter whether the immigrants are legal or illegal? Naturalized citizens or non-citizens?

If it is *legal* to choose U.S.-born minorities over immigrants — and it is found that aliens participate in affirmative action anyway — the question is, "Why is this happening?" How widespread is the phenomenon?

But if it is *not legal* to prefer American workers, then the task is to discover if and where historic

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minorities are losing out to newly arrived workers in the struggle for jobs, school placement, promotions, etc. The role affirmative action has in this displacement should be especially scrutinized. Finally, if it becomes clear that U.S. minorities are in some cases displaced by immigrants *through* affirmative action, Congress must decide if that situation is acceptable, and if not, how to remedy it.

Evolution of an Entitlement

Nathan Glazer, professor emeritus of sociology at Harvard and author with Daniel Patrick Moynihan of *Beyond The Melting Pot*, recently wrote, "One thing that might be done immediately, however the affirmative action debate comes out, is to remove immigrants from affirmative action protection.

"They have, like all people in the United States, protection against discrimination through civil rights laws," he continued. "Affirmative action was intended for our own native racial problem, not for immigrants, who now make up a large share of those entitled to its benefits."[16]

Like Dr. Glazer's, many intelligent voices raised in the immigration debate have assumed that immigrants may be participating in affirmative action programs, but are fuzzy on whether the law actually entitles them to this benefit.

The answer lies in an obscure amendment to the Immigration Reform and Control Act of 1986, in which Congress mandated that employers could not refuse to hire immigrants just because they were not citizens. Unless the employer had another applicant who was a citizen *and* equally qualified, the immigrant had to be hired.

"The immigrant may suddenly find himself at the front of the whole line for job placement."

To avoid discrimination in this hiring process, the immigrants would have to be treated just like American citizens. And if the citizens who belonged to racial minorities were placed in specially preferred hiring pools, the immigrants had to be placed there too.

So, if most firms give no preference to Americans over non-citizens, and an immigrant's racial/ethnic background places him in a hiring pool highly sought after to meet affirmative action hiring goals, the immigrant may suddenly find himself at the front of the whole line for job placement. An advantage meant for American minorities goes instead to a non-citizen.

Under present law, therefore, foreign nationals are *equally entitled* to benefit from American affirmative action programs.

Congress probably did not intend this — almost certainly did not intend it — yet the convoluted legislation it enacted has managed to confer a major benefit upon unintended recipients. It's the entitlement nobody wanted.

So, how does this bizarre twist of social policy actually aid immigrants in practice? The area we will concentrate on in this summary of a much more in-depth study is the field of university teaching.

Non-Citizens in University Faculty Hiring

Anyone who has spent time at American doctorate-granting universities in the last several years will have been struck by the large number of foreign-born people filling the ranks of teaching assistants, lecturers, and professors. Especially in the hard sciences, immigrants are now filling a significant proportion of all new faculty slots.

How many foreign-born people teach at U.S. colleges and universities? In the course of this study, no source could be identified which even attempted to develop comprehensive statistics. Further, many schools don't even know about their own faculty, nor do they want to know.

Larry Hardy, previously cited as affirmative action officer for the University of California system, stressed that UC's nine campuses do not separate out aliens for the purpose of compiling statistics, nor do they tag them in any special way. Thus, they literally have no idea how many foreign teachers they have.[17]

More surprising, of all the numerous federal offices which exist to gather statistics, only the National Science Foundation maintains a partial database of the nationality of some university personnel (i.e., very junior appointments in the sciences only). Numerous sources can cite the race/ethnicity of faculty members, but that's all. By studying the data supplied by NSF as well as some other suggestive information, however, some idea of the numbers can be derived.

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Chart 1
Postdoctoral Appointees in the Sciences, Engineering, and Health Fields
Selected Universities, 1991 Figures

	U.S.Citizens	Non-Citizens	Total App'ts	% Non-Citizen
Harvard University	2,295	1,065	3,360	46.4%
University of California — Berkeley	973	378	1,351	38.8%
Stanford University	764	324	1.088	42.4%
University of California — Los Angeles	665	302	967	45.4%
University of California — Davis	251	125	376	49.8%
Boston University	36	8	44	22.2%
Grand Total	**4,984**	**2,202**	**7,186**	**44.2%**

Source: *Foreign Participation in U.S. Academic Science and Engineering, 1991*, National Science Foundation, 1993

Chart 1 displays the number of post-doctoral appointments awarded in the sciences by selected prominent universities in 1992, including how many of them went to non-citizens. Post-doctoral appointments are fellowship/research positions offered to scholars who have already earned their Ph.D.s or other doctoral degrees, but who wish to pursue their studies further.[18]

The striking thing is the enormous number of postdoctoral appointments in the sciences given to non-citizens. Many of those who complete this prestigious postdoctoral training can be expected to find their way into American classrooms as professors. The National Science Foundation conducted a survey asking non-citizens who were receiving science and engineering doctorates from U.S. schools what they planned to do next after graduation. Of the 3,970 who had definite plans, fully 2,886, or 73 percent, planned to pursue either postdoctoral studies or employment in academia.[19]

Obviously, at least in the scientific fields, the supply of non-citizens is great. But what of the demand?

Pressure to Move Beyond Government Requirements

As affirmative action gained ground during the 1970s and 1980s, universities scrambled to change their mostly white faculties into more racially diverse bodies. This proved a daunting task, due to the relative lack of U.S.-born minority persons with Ph.D. degrees. Although the government's affirmative action requirements for federal contractors (covering virtually all research universities) only required them to match their staffs to the number of *qualified* available people within each minority group, political pressure from the outside tended to make them want to go further.

California Leads the Way

As the trend toward multiculturalism swept the academic world, California, laboring at the forefront of so many other movements, helped blaze this new trail as well. University faculties needed to reflect accurately the racial/ethnic makeup of their area, the movement decreed; all points of view needed to be heard. This new paradigm went well beyond what the federal government required the schools to do.

The California legislature wanted some of its schools, at least, to go a good deal further. In state law AB1725, the legislature laid out a master plan, directing the California Community College system to select 30 percent of all new faculty hires from minority groups. The plan was that, by the year 2005, a community college faculty would mirror the surrounding community.[20]

This could prove very difficult to accomplish in California, where a large segment of its minority population consists of recently arrived Hispanic and Asian immigrants.[21] The community colleges were able to successfully boost their minority numbers in lower level staff positions, but where would they find the

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Chart 2
Racial/Ethnic Makeup of Full-time Faculty
at University of California Campuses in 1994

	Total Faculty	African-American	Hispanic	Asian-American	American Indian	Ethnic Totals	As %	White	As %
Berkeley	1,193	37	41	97	1	176	15%	1,017	85%
Davis	1,087	22	35	88	6	151	14%	936	86%
Irvine	646	17	36	81	1	135	21%	511	79%
Los Ang.	1,414	49	63	149	3	264	19%	1,150	81%
Riverside	416	7	23	59	3	92	22%	324	78%
San Diego	788	10	33	75	1	119	15%	669	85%
San Fran.	330	5	7	16	1	29	9%	301	91%
Santa Barb.	592	13	31	55	1	100	17%	492	83%
Santa Cruz	350	12	19	38	2	71	20%	279	80%
Totals	**6,816**	**172**	**288**	**658**	**19**	**1,137**		**5,679**	
% of Total	**100%**	**2.5%**	**4.2%**	**9.7%**	**0.3%**		**16.7%**		**83.3%**

Data Source: U.S. Equal Opportunity Commission, *Biennial Higher Education Staff Information Reports*

minority professors, all of whom needed Ph.D.'s?

The California State University system and the illustrious University of California system were not the targets of state-imposed quotas, but they did feel the heat to pursue aggressive affirmative action for many years. This push may now stall, since Governor Wilson last year persuaded the UC Board of Regents to abolish affirmative action in hiring and student enrollment. On the other hand, the schools' actual practice may not shift dramatically — every single campus chancellor in the UC system strongly opposed the Regents' action. School officials are likely to continue pressing for greater minority hiring even without official affirmative action. As a headline in the July 24, 1995 *Washington Post* put it, "California Regents Aren't the Last Word: Diversity Can Be Ensured Without Race-Based Admissions, Officials Say."[22]

"When we do our recruitment, we look at much more than the [surrounding] community," said Larry Hardy. He noted that for *national* schools like the University of California, *national* faculty recruitment was in order.[23] A report card for the UC system can be found by studying *Chart 2*.

After several years of concerted effort, the UC system schools have been able to get their combined minority faculty percentage up to 16.7 percent, a figure which outperforms the national average by a significant margin. *Chart 3* shows the racial/ethnic makeup of all university faculties during 1991 (three years prior to the UC data).

Though stronger than the national average overall, the University of California figures bear close inspection. If the UC system schools were to attempt to match their faculty ethnic makeup to that of the general population of California, their task would be difficult. California's population is about 9 percent black, a little below the national average. However, only 2.5 percent the UC schools' faculty members were African-American, significantly below the national average of 4.7 percent of faculty.

The numbers were more mixed concerning Hispanics. UC's 4.2 percent figure for Hispanic professors improves significantly on the national average of 2.2 percent, and yet the state's population has now become about 30 percent Hispanic!

If it were not for the presence of a large contingent of what the University of California describes as "Asian-Americans" — well above the national average

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Chart 3
Full-Time Faculty in All Institutions of Higher Education by Race and/or Ethnicity, 1991 Figures

	Total	Black	Hispanic	Asian/Pac	Nat'v. Am.	Ethnic Total	Ethnic %	White	White %
Professors	144,341	3,572	2,038	6,371	295	12,276	8.5%	132,065	91.5%
Assoc. Professors	116,631	4,942	2,107	5,391	273	12,713	10.9%	103,918	89.1%
Ass't. Professors	126,344	7,524	3,246	8,649	368	19,787	15.7%	106,557	84.3%
Instructors	78,082	5,223	2,532	2,326	462	10,543	13.5%	67,539	86.5%
Lecturers	11,275	739	397	483	53	1,672	14.8%	9,603	85.2%
Other Faculty	43,651	2,516	1,102	3,290	203	7,111	16.3%	36,540	83.7%
Grand Totals	**520,324**	**24,516**	**11,422**	**26,510**	**1,654**	**64,102**		**456,222**	
Totals as %	**100%**	**4.7%**	**2.2%**	**5.1%**	**0.3%**		**12.3%**		**87.7%**

Data Source: U.S. Equal Opportunity Commission, *EEO-6 Higher Education Staff Information, 1991*

— UC's percentage of ethnic faculty would seem much more modest. More than half of all minority persons teaching at UC schools are from that category. It is well known that Asian-Americans are heavily represented in every aspect of American academic life, and this is especially true in California. Their story of accomplishment is truly impressive.

Are they, however, really all Asian-*Americans*? The answer is: no, they are not. Part of the confusion is in the very terms the government has decreed be used for racial/ethnic typing. All people of Asian ancestry are termed "Asian-American/Pacific Islander," when, in fact, they might be *citizens* of Japan, Taiwan, or another Asian nation.

Since the University of California does not even keep separate statistics on the number of foreign-born professors, no official there can quantify the phenomenon of foreign professors being labeled Asian-American. However, a glance at *Chart 1* illustrates the probable situation. If nearly half of post-doctoral appointments in these and similar universities have been going to non-citizens, faculty appointments themselves are likely to be heavily affected as well.

It's not that UC and other university systems try to mislead by the numbers they put out. The truth of the matter is that these and other large institutions have hesitated to treat foreign minority nationals as anything other than minority citizens of the U.S. The schools have something real to fear, since the law, as discussed above, seems to require this kind of alien mainstreaming. In addition, foreign minorities can potentially qualify for special affirmative action benefits — and help improve the compliance numbers of various institutions — as soon as they arrive in the United States.

Disturbing evidence of how widespread this situation has surfaced during a controversy at the University of Michigan over its affirmative action hiring program. The university had reported that it had made great progress in boosting minority faculty numbers. From 1987 to 1992, African-Americans in the faculty moved from 3 to 4.4 percent, Hispanics from 0.9 to 1.3, and Asians from 4.9 to 6.1 percent, the Michigan administration stated.

The faculty senate cried foul, however. Taking a multiculturalist stance, the senate charged that not nearly enough had been done to make the faculty mirror the racial balance of the surrounding community. University provost Gilbert Whitaker countered that the administration's goal was to match the available minority labor pool; that is, minorities with doctorates. In any case, in its zeal to move the school to increase minorities in the faculty, the faculty senate uncovered some fascinating information about non-citizens swimming with the affirmative action tide.

Of the minority faculty listed by the university, the senate found that 56.1 percent of the "Asian-Americans" were not American citizens at all. Nor were 23.3 percent of the Hispanics. And 18.8 percent of the blacks weren't citizens, either. Yet these people

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had apparently enjoyed every advantage of affirmative action — heavy recruitment, preferential hiring, top wages, etc.[24]

Larry Hardy stated that if the University of California were considering hiring a new faculty member who happened to be both foreign and an ethnic minority person, the candidate could not be denied affirmative action benefits. "It would be illegal to do so, to be quite frank," Hardy said.

Stanford Tries to Buck the System

One university became quite concerned about affirmative action for non-U.S. citizens, especially since, in this case, large sums of money were involved. Stanford University is one of the wealthiest and most prestigious schools in America. Located in Palo Alto, California, Stanford faced almost exactly the same situation as the University of California system, but with an added complication.

Stanford had established substantial financial rewards for departments which managed to recruit new minority faculty. The system worked by authorizing departments to hire half of an extra faculty member for every one minority teacher hired. Thus, if the humanities division hired two new minority persons, it would receive budget authority to add another professor of its choice. Stanford, being well-endowed, could afford this sort of incentive.

"...this system had the effect of inadvertently rewarding departments for hiring foreign-born professors."

What disturbed the administration and faculty was that this system had the effect of inadvertently rewarding departments for hiring foreign-born professors. In part this was because Stanford, like so many other schools, made no distinction between citizen and non-citizen. An internal study prepared for the administration, and obtained by the *San Jose Mercury News*, reported that slightly more than half of Stanford's ethnic minority faculty members were foreign-born. "Foreign-born and foreign-educated faculty members," the report stated, "may not be as effective as role models for minority undergraduates."

School officials wanted to re-target their financial incentives to help draw African-Americans, Mexican-Americans, Puerto Ricans, and American Indians to their faculty. So, in 1993, Stanford restricted its minority faculty hiring incentives to those four groups. All other groups were to be excluded, including Asian-Americans, who the university said were already adequately represented. Non-citizens would no longer be hired on an affirmative action basis.

When reports of the new policy hit the press, an outcry immediately went up from defenders of the status quo. "They would be leaving themselves open [to a lawsuit] in my opinion," stated Gazella Summitt, president of the American Association for Affirmative Action.

"The fact that somebody is left out doesn't give them a lawsuit," said Paul Brest, dean of Stanford's law school, in response. "The court has approved of educational institutions having affirmative action programs, and I think, by necessity, that means including some groups and not including other groups." He did suggest, however, that "the law in this area is amazingly unclear."[25]

Due to the criticism, the plug was quietly pulled on the plan. "It has been dropped, never having been implemented," stated Robert Weisberg, vice-provost for faculty recruitment and development. Weisberg arrived after the policy's announcement in 1993, and he was told the plan would not be put in effect after all. "It was dropped as not sensible policy," he recalled.

"Even if there were some legitimate concerns which motivated [the policy]," he said, "It would be absurd to take a categorical position on foreign professors. In any event, it was too blunt an instrument." Stanford, he added with a touch of irony, had joined the ranks of the sensible universities which have "tried to avoid resolving these questions."[26]

In the meantime, Stanford continues the policy it wanted to halt — providing a large subsidy for every foreign minority professor hired.

Adding It All Up

Because of a mix of governmental policy and ideological pressure, America's universities have felt great pressure to increase the number of ethnic minority persons on their faculties. At the same time, the universities' own degree programs have been turning out enormous numbers of foreign-born

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graduates, most of whom are counted as ethnic minority persons under U.S. guidelines, and most of whom wish to remain in America.

The present law discourages schools from treating these non-citizens separately when it comes to faculty hiring. Put that together with the pressure to hire more ethnic minorities, and it becomes understandable that some schools' contingent of minority faculty is becoming dominated by foreigners.

Are U.S.-born minorities losing out because of this? Maybe, maybe not. Black, Hispanic, and Native American Ph.D.s are in such short supply that qualified non-white citizens may well be able to find a position despite foreign competition.

However, there are those who see it otherwise. "It's the old zero-sum issue," commented Frederick R. Lynch. "If you count one person in, you count another person out. If you bring in an Asian, you of necessity exclude an American black." Certainly the practice reduces pressure on the educational system to recruit and train more U.S.-born minorities for Ph.D. programs.

Another sensitive issue concerns how immigrant hiring affects Asian-Americans, already fighting a perception that they are *over*-represented in many faculties. If Korean and Chinese and Indian nationals are included with Asian-*Americans*, it may indeed look as if there are too many Asian-Americans *vis-à-vis* the population.

Another group of losers is whites, who may find foreign minorities being recruited heavily while U.S. citizens who happen to be white are given less attention.

The clear winners, of course, are the non-citizens who came here looking for economic opportunity, only to find themselves winners in the affirmative action lottery.

It's the American system working for them, albeit perversely. ■

[Mr. Robb's full 121-page monograph, *Affirmative Action: The Entitlement Nobody Wanted* is available from The Social Contract Press, 316½ E. Mitchell St., Suite 4, Petoskey, MI 49770; phone (616) 347-1171, FAX (616) 347-1185. The cost is $12.50 including shipping and handling.]

NOTES

[1] Johnathan Tilove, Newhouse News Service, *The Raleigh News And Observer*, January 9, 1994.

[2] Tilove, *op cit.*

[3] Interview of Frederick R. Lynch by the author, April 12, 1995.

[4] Title VII of the act can be found in the 7 U.S.C. § 2000(e)(2); for a point-by-point commentary on Title VII, see Business Law Editors, *Labor Law Reports: Employment Practices*, Volume 2 (Commerce Clearing House: Chicago, 1993). pp. 306-311.

[5] Executive Order 11246 was issued September 24 and appears in 30 *Federal Register* 12319, 12935; it also appears in 3 CFR, 1964-1965 Comp., p. 339.

[6] 7 U.S.C. § 2000(e)(2)(j).

[7] Taylor, Jared, *Paved With Good Intentions* (Carroll & Graf Publishers, Inc.: New York, 1992). p. 126.

[8] For a more in-depth look at the development and scope of affirmative action see: J. Edward Kellough, *Federal Equal Employment Opportunity Policy and Numerical Goals and Timetables: An Impact Assessment* (Praeger Publishers: New York, 1989), pp. 13-22; U.S. General Accounting Office, *Federal Affirmative Employment: Better Guidance Needed for Small Agencies* (GAO: Washington, 1994); Frederick R. Lynch, *Invisible Victims: White Males and the Crisis of Affirmative Action* (Greenwood Press: New York, 1989), pp. 11-20.

[9] Michael J. Flynn, "The Legality of the Philadelphia Plan," *University of San Francisco Law Review*, Volume 4, April 1970, pp. 373-396.

[10] The Uniform Guidelines on Employee Selection Procedures, the Equal Employment Opportunity Commission, and the Office of Federal Contract Compliance all use this classification scheme. See Joseph G. Allegretti, "National Origin Discrimination and the Ethnic Employee," *Employee Relations Law Journal*, Spring, 1981, p. 546.

[11] Chris Norby, "Ethnic Categories Become Meaningless," *The Orange County Register*, February 21, 1993.

[12] Peter Skerry, "Borders and Quotas: Immigration and the Affirmative-Action State," *The Public Interest*, Number 96, Summer 1989, pp. 88-89.

[13] L. H. Gann and Peter J. Duignan, *Hispanics in the United States* (Westview Press: Boulder, Colorado, 1986) p. 315.

[14] Table 8, Statistical Yearbook of INS, 1993.

[15] Interview of Larry Hardy by the author, April 26, 1995.

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[16] Nathan Glazer, "Debate on Aliens Flares Beyond the Melting Pot," *The New York Times*, April 23, 1995.

[17] Interview of Hardy by the author, May 22, 1995.

[18] The charts in this article were prepared by the author from sources noted in each chart.

[19] Susan T. Hill, project director, *Selected Data on Science and Engineering Doctorate Awards: 1993*, NSF 94-318 (National Science Foundation,: Arlington, Virginia, 1993), pp. 67-68.

[20] Frederick R. Lynch, "Tales from an Oppressed Class," *The Wall Street Journal*, November 11, 1991; Interview by the author with Ann Bergo, Equal Opportunity Employment Specialist, Los Angeles Community College System, May 24, 1995.

[21] It could also prove difficult in light of resistance to this sort of mandate within the schools themselves. One division chairman at a large California community college campus told me he had never heard of AB 1725. Moreover, if anyone ever told him to hire someone because of his race or gender, he would resign in protest.

[22] Rene Sanchez, "California Regents Aren't the Last Word," *The Washington Post*, July 24, 1995.

[23] Interview of Hardy by the author, May 22, 1995.

[24] Frederick R. Lynch, *The Diversity Crusades*, pre-publication manuscript to be published in 1996 by the Free Press.

[25] Steve Johnson, "Stanford Offers Born-in-U.S. Minority Bonus," *San Jose Mercury News*, October 24, 1993.

[26] Interview of Robert Weisberg by the author, May 22, 1995.

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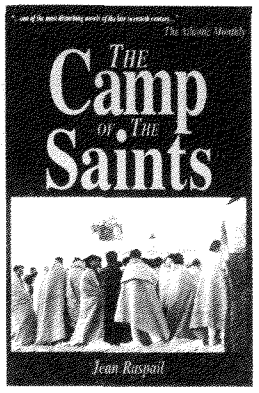

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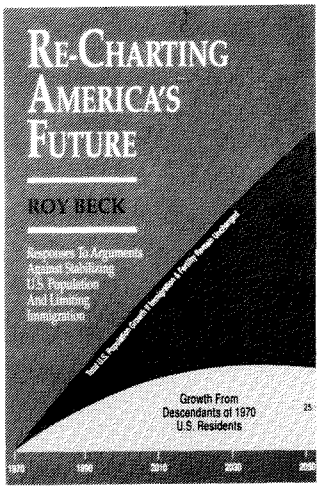

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The Social Contract *asked Ira Mehlman to interview Frederick Lynch, author of* Invisible Victims: White Males and the Crisis of Affirmative Action *(New York: Praeger Publishers, 1991). The remarks of Professor Lynch are substantially unedited. As is often the case in long interviews, discussions of various issues overlap. In those instances, remarks concerning related topics have been consolidated for the purposes of continuity, and the comments by* The Social Contract *are an introduction to those collected responses. Ira Mehlman is media consultant for the Los Angeles office of FAIR, the Federation for American Immigration Reform.*

Affirmative Action, Immigration: Threat to the Nation-State

An Interview with Sociologist Frederick R. Lynch

By Ira Mehlman

Claremont McKenna College sits just at the easternmost edge of the sprawling megalopolis of Los Angeles, just close enough to have a bird's-eye view of the social tumult of the area and just far enough removed to maintain some perspective. Designed around the Oxford model, the several institutions that comprise Claremont McKenna have the bucolic feel of the British countryside, with a few palm trees thrown into the landscape.

From here, Frederick R. Lynch has been thinking and writing about some of the social and political phenomena that are taking place both within and beyond the green quads of these college campuses. Suddenly, the subject that until recently he had been writing about in relative obscurity — affirmative action — has become the dominant political issue in California and is spreading across the nation.

In 1994, Californians challenged political taboos by approving, by a 3-2 margin, Proposition 187. In 1996, the California Civil Rights Initiative (CCRI) may be on the California ballot (although the petition drive to qualify the measure for the November ballot appears to be in a good deal of trouble). The controversial CCRI would prohibit race, ethnicity and gender-based preferences in California, effectively ending affirmative action.

Seven years ago, when it was first published, Lynch's book, *Invisible Victims: White Males and the Crisis of Affirmative Action,* was among the first to examine the social consequences of a policy he describes as "the biggest social engineering program in American history." In the book's preface, Lynch asserts that "affirmative action has been a radioactive topic among both professionals and laypersons. The issue has been heavily self-censored by social scientists, journalists, personnel managers, and even those who lost jobs and promotions due to affirmative action barriers." He goes on to argue that "affirmative action should no longer be regarded as an article of political faith; rather, it should be seen as a major social revolution to be studied sociologically."

Since Lynch published his book, the country has begun to examine critically and even make significant changes in policies that as recently as the late-1980s were regarded as articles of political faith. In an interview in Claremont on December 11, Lynch discussed some of the trends in political thinking regarding such difficult and emotional issues as affirmative action, immigration, racial, ethnic and class tensions, and the status of the nation-state.

THE SOCIAL CONTRACT: *Like many other social experiments of Lyndon Johnson's era, affirmative action has gone way beyond what its architects envisioned, and has become an end in itself, rather than a means to correct historic injustices against black people in America.*

FREDERICK R. LYNCH: The unintended consequences of affirmative action, and nobody saw it coming, was that the other non-black minority groups would be added on. This was done in the '60s — it was the civil rights era and everybody was talking black and white. It had an East Coast point of view. And so, when the enforcement machinery started converting from just

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making sure people were just advertising positions and doing outreach in a nondiscriminatory way, into hiring proportionally, [when government] started adding groups like Hispanics, and saying, "you are going to prove [compliance with] affirmative action by hiring Hispanics and ... other groups," — this was just done without anybody really realizing it.

"What I find most dangerous about affirmative action is that it has become a de facto revolution."

What I find most dangerous about affirmative action is that it has become a de facto revolution. You have a lot of people even in high places now thinking that if some group isn't proportionally represented, then there must be discrimination — that is the only answer. It's now taken for granted by the number of students we have coming in, the number of top level executives, that if 10 percent of the population is black, but only 5 percent of your work force is black, you're guilty of discrimination. It may not have anything to do with it.

Affirmative action [has given rise to] the world being seen in terms of ethnicity, race and gender and this gives rise to political correctness, which is basically an obsession with race and gender in a very egalitarian way. I think PC has arisen in large part to justify, rationalize and hide to some extent the abuses of affirmative action. I think it has been very dangerous and led to the re-tribalization of America, as some people say. Nobody stopped this machine — which, I think, is really our biggest social engineering program of the century, essentially reallocating economic and educational opportunities according to proportional representation. [This is] a pretty tall order.

THE SOCIAL CONTRACT: *Affirmative action has strayed far from its original intent and has been extended far beyond its initial objectives, and yet it has taken nearly 25 years for there to be a significant organized protest against racial, ethnic and gender preference programs.*

LYNCH: The reason for the silence on this is because the people affected didn't want to be called racist, they didn't want to be called wimps or whiners and there's a blackout on TV and in newspapers about this topic. Unless there was a Supreme Court case on this matter, it was never talked about. So a lot of people were just afraid that they wouldn't be believed if they talked about this. There was a spiral of silence.

The polls have shown all along that there were great majorities opposed to preferential treatment as a form of affirmative action, where you give preferences particularly over merit. But the majority didn't realize they *were* a majority. The people who were on TV and had access to talk shows were by-and-large noisy minorities, which were mistakenly assumed to be the majority. When most people talk about controversial issues, we put out our antennae and say "What's the majority opinion? I want to be in the majority." And if you don't think you are, you shut up. People falsely assumed that the majority opposed to preferences was really the minority and kept silent.

White males have really been given a bum rap by both the right and the left. The left, if you complained about this, would call you a racist. Lately, coming very strongly from the right, you were a whiner. You're supposed to be John Wayne. You're supposed to get back on your horse and keep riding. If you're a real tough guy you go start your own business.

One definition of a victim is someone who's been swindled. There's no question that millions of white males took employment exams, took promotion exams and then their exams were race-normed behind their backs. That's a swindle. That's a screw-over. They have every right to complain.

"...people are going to band together in communities ... it might as well be the nation-state."

THE SOCIAL CONTRACT: *Just as with the benefits of affirmative action, which have disproportionately accrued to the more advantaged minorities, the pains of affirmative action have not been experienced equally. Working class whites have been more negatively affected than those at the top of the socio-economic hierarchy.*

LYNCH: It is also the fact that it's a class issue that has kept this quiet. The white elite and the people in the board room were willing to maintain the industrial peace on affirmative action by selling out the jobs of

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younger white and working class males in order to stay out of court. As Chancellor Young said at UCLA, "It's a form of riot control."

The political spectrum does not run from right to left. It runs from top to bottom. The people at the top are now very different from those at the middle. They're globally oriented. They don't care about the nation-state.

The only way to settle the affirmative action debate is to say, "nondiscrimination and that's it. We are not going to divvy up people by race and ethnicity for anything anymore." To some extent this is going to come to a head with the 2000 Census. There's one group, very strong, that wants a mixed category. If you do that, that's going to upset the apple cart altogether. Race and ethnicity are really bogus concepts. They are so permeable that we really ought to just throw them out. Instead, since the mid-'70s they have gotten revived in order to serve social policy.

"The political spectrum does not run from right to left. It runs from top to bottom."

In California the mechanics of affirmative action are breaking down. How do you classify someone whose mother is Japanese and whose father is Hispanic? The mechanics for classification of affirmative action are unwinding to some extent if we let it.

THE SOCIAL CONTRACT: *On countless social and political issues, the American people clearly believe that something has gone seriously wrong, and yet we cannot seem to forge a political consensus about what needs to be done.*

LYNCH: There's a lot of inertia, unfortunately, that determines social policy. The machine keeps cranking. The people who want to stop affirmative action and immigration have to stop this big truck from going downhill just through inertia. Money and organization are going to be crucial.

Ultimately — and this is the point of my new book, *The Diversity Industry* — it's going to depend on who gets the White House. We are an administrative state. A lot of this stuff comes through the regulations, it comes through the courts. And if you get Bill Clinton in there with four more years with no threat of reelection, and he is able to appoint all the administrators and judges and possibly three or four new Supreme Court justices, that's how this stuff is done.

Something like CCRI and [Proposition] 187 — obviously 187 was a fire bell, it sent a loud message — that's the significance of something like a 187 or a CCRI. It operates as a check or an attention-getting device that says, "We are fed up." But as far as getting anything done, it is going to depend on who has the power of appointment of the great state bureaucracies. You can pass laws and they can be gutted through lack of enforcement or what have you.

THE SOCIAL CONTRACT: *Affirmative action was instituted at a time in our nation's history when large-scale immigration was just being revived. Intended or not, the benefits of affirmative action have been extended to identifiable minority groups, other than blacks, whose ranks are being swelled by immigration.*

LYNCH: Affirmative action and immigration are obviously feeding off one another. You're ballooning the protected classes. Again, it's something nobody in their right mind really thought about when this started out. But if you have an open border and you have immigrant groups as protected classes... It's kind of ironic, it could lead affirmative action to self-destruct and explode.

It's also pitting non-black minorities and blacks against one another. Immigration is ultimately driving a wedge into the civil rights establishment over what to do about this. As a sociologist, this is what's driven me nuts all these years. People who were looking at this as a coalition of people of color against the evil white male establishment ignore all the other differences and of course some of these exploded in the LA riots.

THE SOCIAL CONTRACT: *In spite of the obvious evidence of trouble, the establishment black leadership in the U.S. has been silent on the negative impact it has had on African Americans and continued to support policies which promote high levels of immigration.*

LYNCH: There has been the idea on the left that people of color can form a super-proletariat. What has happened with affirmative action thinking is that it is "two-factor thinking." You have had the colorization of the class struggle. Instead of the bourgeoisie versus

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the proletariat, we now have white males versus people of color. An amazingly simple but accurate statement of what has happened is that people of color are assumed to be oppressed and victims and poor. And, of course, all white males conversely are presumed to be privileged and powerful folks. It's amazing how long this sort of thinking went on and how far it got.

Among black leaders, the immigration issue is seen as a minor problem. The black establishment is East Coast centered, as is the white, and it ignored what was going on on the West Coast and in Texas and in Florida. This was seen as kind of a local phenomenon. I don't think they saw it coming.

The animosity between blacks and other minority groups has been a relatively recent phenomenon. People are locked into the black-white paradigm, as the title of Andrew Hacker's book, *Two Nations,* suggests — and that's being toasted still by people on the left. We ceased to be two nations a long time ago.

THE SOCIAL CONTRACT: *Michael Lind, in his new book,* The Next American Nation, *has looked at these phenomena and concluded that since the late 1970s, there has been a war waged against the American middle class. As a nation built on the foundation of a strong middle class, the economic, social and demographic changes we are seeing may radically alter this country.*

LYNCH: We are getting to the point where we have to debate, "do we want a nation-state, or do we just want to have a huge global economy and let every person fend for himself?" The *Wall Street Journal*, the Cato Institute, are saying, "Why bother with the nation-state? Let's just have everything a market." To me that's very fallacious, it's lousy sociology, because people are going to band together in communities, whether it's on the basis of religion, the nation-state, ethnicity — they're going to find some sort of big tribe to plug into, and as far as I'm concerned it might as well be the nation-state, because it is the most tameable and most civil arrangement we've got. The idea of a national community is to some extent a good one. A national community with shared norms and values, that's your basic sociology. Any society or social system has to have shared values and norms and boundaries.

THE SOCIAL CONTRACT: *Some have suggested that perhaps the nation-state, in an age of the global economy and cyberspace, is an antiquated concept more suitable to the world of the 19th century than the 21st.*

LYNCH: The nation-state can be modified. It need not have as much centralization and regulation as it does. But I think the idea of a nation-state is to try to create a little bit of heaven on earth. You try to take care of your people; maybe you give them a little bit of health care so that if someone is an American citizen they don't have to die in the streets. That's worth preserving. If you have to have some border control, not only in terms of immigration but as we integrate into the global economy, how do you do it? Do you do it overnight or do you cushion people along the way a little bit?

"Even in an age when goods and capital move freely around the globe, you cannot have a similar movement of people."

Immigration brings up the whole idea of, "Do you want a nation-state or not? Do you want a common good? Do you want a people with boundaries?" You cannot talk about a society without boundaries. The political right is [currently] very split on this. They think you can have open borders and preserve Western civilization. You can't.

THE SOCIAL CONTRACT: *In the past several years, as global economies and technology have exploded, we have been trying to adapt people to the requirements of this "New World Order," rather than adapting economies and technology to the realities of human nature.*

LYNCH: One of the big, looming battles in the world may be religion. The Moslems versus the Christians and so forth, as Samuel Huntington has suggested.[1] Talk about the role of the emotional and the irrational, when it comes to religion, Holy Moses! The economic rationalism that is really behind open borders has to deal with the question, "Is there anything else besides the market?

Even in an age when goods and capital move freely around the globe, you cannot have a similar movement of people. We want to preserve a nation-state and we

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want to have rights and obligations. We want to be a civic entity, and a civic entity has to have borders. That means for people and to some extent for goods. I think the debate gets polarized rather quickly. You get the free-traders screaming protectionism, the protectionists screaming, "Aw, you just don't want any borders," and I think the truth, as usual, is somewhere in the middle. You do integrate the nation into the global economy, but you do so gradually, and you protect your own people to some extent — there has to be a balance point. But I think the problem with the [political] right is that they are all economy and no society. [They have] the idea that everything is market. Good conservatives will say, "What about family? What about religion? What about community?" The world is not just market, and I think that's the problem with a lot of conservatives. They look only at the bottom line. They look only at economics.

"The idea ... that suddenly our neighborhood is a slum, worries a lot of people."

There was a recommended curriculum published by the Heritage Foundation a few years ago for people going on to law school. What should you take as an undergraduate? There was no psychology, no sociology, no anthropology, very little history — it was economics and government. That's kind of the problem here. There are such things as families, and churches, and ethnic groups and so forth and you've got to have a place for them. The Bosnians. You can scream at them all the time, "Your bond ratings are going to hell!" They don't care. There has to be an appreciation of the role of the irrational in life. The free market rationalist would say the Bosnians and the Serbs shouldn't be killing each other — it's bad for their economy. Well, yeah, people are doing that all over the planet. They do all kinds of things that are bad for the economy because they hate one another. We must also consider the role of the emotional. People get juiced up about the idea of belonging to a certain religion or belonging to a certain ethnicity or belonging to a family. No feud like a family feud. They'll blow the place up and if you say, "Well that's bad for tourism." Tough apples.

THE SOCIAL CONTRACT: *One of the immutable realities often overlooked amidst the scramble of social, economic and demographic change is that human nature craves stability.*

LYNCH: There will be a public backlash to any sort of "overdoing-Gingrich," — "We're just going to send all power back to the states and let free markets reign." We've had these factories closing down on people and suddenly people are out of work. People care about communities, particularly as the baby boomer generation grows older.

A lot of us care about stability. A lot of what is going on in California with regard to white flight is related to this. You want to buy a house, you want to have a community. You don't want it suddenly being transformed into Little Mexico — and not only culturally, but classwise. You don't want to have gangs in the neighborhood and stuff like that. That is going to cut against large-scale immigration. People don't want to have to scramble to get out of a Little Mexico, or Little Honduras, or whatever.

The idea of the topsy-turvy consequences of immigration, that suddenly our neighborhood is a slum, worries a lot of people. In Los Angeles County there has been this dramatic demographic make-over and it's not just cultural or language differences — it's class differences. You don't want the house next door to wind up with people living ten to a room.

It's becoming harder and harder to escape. I teach (about) juvenile delinquency — the gangs fly United, just the way anybody else does.

THE SOCIAL CONTRACT: *Proponents of current policies — open border advocates and free marketeers — argue that the kind of change we are experiencing is healthy and will promote American dynamism. They warn of an emerging hyper-nationalism springing up in the U.S.*

LYNCH: It's an American idea — "Progress is our most important product." We've always been pro-change. There is an argument to be made for immigrants promoting certain change and being innovators. The question is balance. There are a lot of backward tradition-bound societies that don't like change. We've always been very open to change and I think that is something we would want to keep — the Internet opening up, all kinds of things on the way. Freely developing technology poses a lot of benefits

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and risks. I think the real question is, change in values? Change in culture? We have a dynamic culture, we've always been able to absorb all the different ideas. What is being raised more and more is, "Do we have a core culture that we want to preserve and teach?"

I don't think that after 20 years of civil rights, you're going to go back to some jingoist, nativist sort of thing. Also, the global economy. The global economy is here to stay. The question is, "How do we put some sort of overlay of the nation-state on that?" No one wants *Blade Runner* [a futuristic novel by Philip Dick, later made into a movie starring Harrison Ford, about 21st century Los Angeles] — this hellish two-tiered society, where the whites are literally moving off-world.

THE SOCIAL CONTRACT: *In the seven years since* Invisible Victims *was first published, there has been a greater willingness to consider ideas about affirmative action, immigration and other tough issues that were considered sacred cows.*

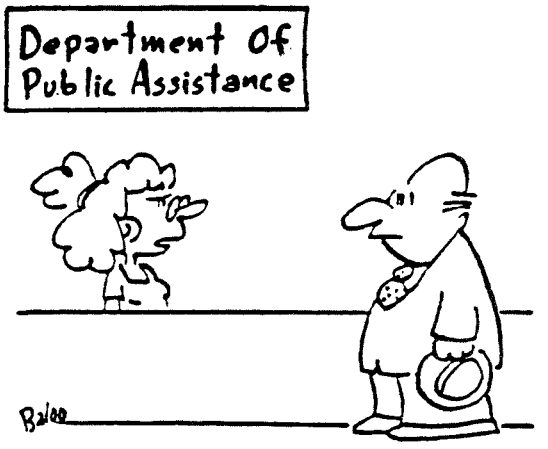
LYNCH: More people are thinking about issues like affirmative action. That's the joy I find in the last two or three years. People are thinking! The amazing thing is that for 20 years nobody talked about this. How did the biggest social engineering program in American history escape being discussed by the news media, escape being studied by social scientists? There's no data on this stuff!

This book of mine was supposed to be the first book on white males and affirmative action. It's the *only* book by a sociologist about white males and affirmative action — and it shouldn't be. There's a handful of books about affirmative action by social scientists. It's appalling. It's the biggest social engineering program in history and we've got a handful of books on it. I think that is the biggest development in the past several years, both with affirmative action and immigration — people are talking, and talk is the most important medium of social change.

Where is it going to lead? We've got a history full of revolts and rebellions that failed. We'll just have to wait and see. I'm a person who looks at social change as dependent upon unexpected events and charismatic personalities more than planned social change.

THE SOCIAL CONTRACT: *The changes in the nature and the terms of the political discussion of affirmative action can be dramatically altered as they have been in the immigration debate. Once people begin to think differently about an issue, change can occur.*

LYNCH: Pre- and post-Proposition 187. Look at the difference. I remember one of the first stories that the *Washington Post* did about what was going on out here. Some reporter came out and rode around with this couple and they were saying what was going on in their neighborhood. And he was so condescending and so smug and so liberal, "Oh, these poor little people who moved out here from Iowa and now their neighborhood is going down — poor dears." 187 sent a signal.



"A white heterosexual male? What could you possibly want?"

It's people feeling like a stranger in their own nation — a stranger in a strange land — that is beginning to be talked about and is beginning to be legitimized as a topic of discussion.

THE SOCIAL CONTRACT: *With the ascendancy of Newt Gingrich and the* Contract With America, *the engine of social change seems to be coming more from the political right. However, the role of the political left should not be discounted, because of its historic role in bringing about social reform and because the political right is divided between cultural conservatives and economic conservatives.*

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LYNCH: The ball is, to some extent, on the left now. The left traditionally, particularly with the unions, has been very wary of immigration. There are these little societies now in town, Coalition for a Living Wage (or something like that) — they're going around, sort of on a voluntary basis, trying to bid up wages. I think the ball is really going to be more with the left than with the right on this. Blacks now begin to realize they are being badly undercut by cheap immigrant labor — that, as in Miami, the hotel jobs now go to immigrants and that immigration is no friend to them. I think the polarization is going to increase as the inner city kids are left further behind.

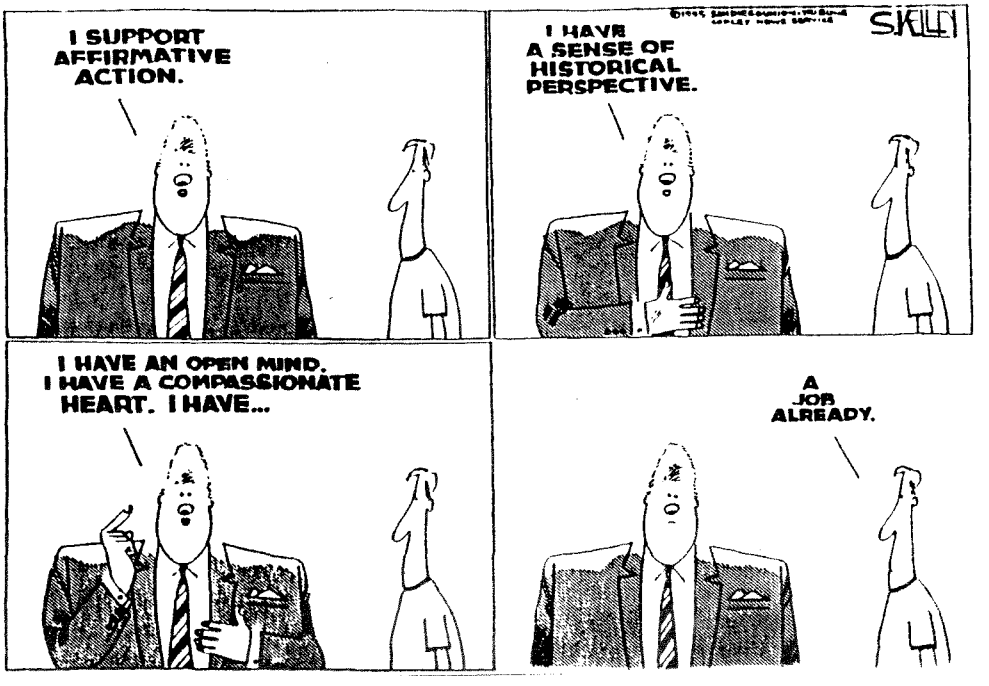
"...culture counts."

The crime situation is a time bomb. The huge increase in violent crimes, particularly by the youth, is certainly giving people on the left with their cultural relativism pause. Their idea that gangs and graffiti, "Well, that's just an alternative lifestyle" — that's not going to wash anymore. Not when you have kids getting killed. The crime issue is fascinating, obviously as far as immigrants get involved in crime — the Russian mafia, look out. That could be a major issue, making people more nationalist, more conservative, more (of them) saying, "We've got to have borders, we've got to take care of our community."

If you think about the nation-state as an FDR type of thing — that is the left's territory. If you want a welfare state, you cannot have open borders. The majority of Americans do favor a reasonable welfare state. As the baby boomers get older they are going to think, "What's this about taking away Medicare? What about Social Security?" It's going to have to be reformed, no question in terms of the economics. Do we want a nation-state? Do we want an America?

Conservatives think of Western values as universal (ideals) that will be respected around the world. Everybody who comes in will be open to them. Not necessarily. The jury is still out. If we have a revival of religious fundamentalism around the world — we have the New York City bombing — you have to consider that. Culture counts. Ideas count. Obviously there has been a split on the conservative side between the economic conservatives and the cultural conservatives. The "econ" people say, "All this cultural stuff is bull. It doesn't matter. What drives everything is the market." But I think the more intelligent conservatives will say that culture counts. ■

[1] "The Clash of Civilizations" by Samuel Huntington appeared in the Summer 1993 edition of *Foreign Affairs*.


I SUPPORT AFFIRMATIVE ACTION.
I HAVE A SENSE OF HISTORICAL PERSPECTIVE.
S.KELLY
I HAVE AN OPEN MIND. I HAVE A COMPASSIONATE HEART. I HAVE...
A JOB ALREADY.

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Paul Craig Roberts, a former Assistant Secretary of the Treasury, is co-author with Lawrence M. Stratton of The New Color Line: How Quotas and Privilege Destroy Democracy *(Regnery Publishers, 1995).* *Reprinted with permission of* The Wall Street Journal, *copyright 1995, Dow, Jones & Company, Inc. All rights reserved.*

The Rise of the New Inequality

By Paul Craig Roberts

I can actually remember when it was considered racist to be a segregationist. Now it is the other way around.

The mistaken direction of U.S. civil rights policy not only boosts black separatists. It also undermines the democratic process characterized by self-governance and equality before the law that defines the U.S. and differentiates us historically as a country. We are becoming a country in which there is almost no democratic outcome that cannot be set aside by a federal judge if he can find a race hook, and we are becoming a country in which people have different rights under the law based on their race and gender.

Feudalism Resurrected

In the name of civil rights, we are resurrecting the legal system of feudalism in which people's rights depend upon their status. This was not the intent of the 1954 *Brown* school desegregation decision or the 1964 civil rights act. However, both of these historic events relied on federal coercion to achieve racial integration, thus opening avenues for those impatient with the pace of change to resort to arbitrary power in order to speed integration.

This happened because *Brown* was decided not on the basis of constitutional law but on Gunnar Myrdal's argument, set out in his book *An American Dilemma*, that Americans are so irredeemably racist that democracy would forever perpetuate segregation. Democracy was the problem, not the solution. The "solution" was for the Supreme Court to substitute judicial coercion for democratic action.

Following in *Brown*'s footsteps, the Civil Rights Act gave up on freedom of conscience and persuasion as avenues to social progress and replaced them with regulatory coercion. As time passed, discrimination became everything that did not produce racially proportionate results, and quotas became the only way to avoid debilitating lawsuits.

Quotas touch all aspects of life. According to the Congressional Research Service, the federal government alone has 160 race and gender preference programs.

Chevy Chase Savings Bank in suburban Washington, D.C. was branded a discriminator by the Justice Department for having too few branches in "majority African-American census tracts." To make restitution, Chevy Chase had to open unneeded branches and provide blacks with below-market loans and grants for mortgage downpayments. Chicago's Daniel Lamp Company employed a 100 percent minority work force, but the EEOC sued the company in 1991 because it had the wrong mix of Hispanics and blacks.

Government contractors and spending programs are awash in set-asides and quotas. Corporations reserve fast career tracks for "protected minorities." Managers risk pay cuts and low "diversity report card" ratings for failing to promote by quota. Museums have been attacked for having too few holdings by women and minority artists. Demands are being made for the affirmative action records of prosecutors' offices in order to challenge law enforcement that has disparate impact on "protected minorities."

We even have quotas for the outcomes of elections — not only racial gerrymandering but federal judges' imposition of cumulative voting and super-majority requirements on counties and municipalities to guarantee minority representation. When it comes to race, the separation of powers means nothing. Yonkers, New York and Kansas City, Missouri had their fiscal affairs taken over by federal judges claiming powers that the Founding Fathers would be unable to recognize.

A July 1995 Gallup Poll shows that the public is fed up with quotas. Americans reject employment quotas, 63 percent to 35 percent, and college admission quotas, 57 percent to 39 percent. Favoring a less qualified "protected minority" over a white

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applicant is rejected by 84 percent of the population. Even blacks disapprove of this policy, with 68 percent opposed and only 22 percent in favor. It is not surprising that the public rejects quotas. Preferences are inconsistent with our colorblind Constitution, and they are strictly illegal under the 1964 Civil Rights Act.

Quotas are the work of Equal Employment Opportunity Commission interpretative regulations — themselves illegal under the Civil Rights Act — as well as federal judiciary decisions. These decisions, which at the time appeared to be limited rulings to open opportunities for minorities, had far larger implications.

In the late 1960s, EEOC compliance officer Alfred Blumrosen set aside the statutory focus on intentional discriminatory acts against individuals and redefined discrimination in terms of statistical underrepresentation of groups in the work force. Under this approach, employers faced liability if they did not hire minorities in proportion to their percentage of the surrounding population.

This deviation from the Civil Rights Act reached the Supreme Court in 1971 in *Griggs v. Duke Power.* Chief Justice Warren Burger saw the case in terms of opportunity blocked by "credentialism." In its decision the court deferred to the EEOC as the implementing agency and accepted what came to be known as the "disparate impact" standard, which defines as discriminatory any policy or job requirement that does not produce race and gender proportionality.

This disparate impact ruling made quotas mandatory to avoid discrimination lawsuits, though this was not realized at the time. It was not until 1979, in *United Steelworkers of America v. Weber*, which upheld racial quotas, that Chief Justice Burger confronted the quota implications of his *Griggs* opinion. Alarmed, he dissented from the *Weber* decision, accusing the majority of Orwellian reasoning that ignored "statutory language, uncontradicted legislative history, and uniform precedent."

Once racial imbalance became proof of discrimination, white males were deprived of the protection against reverse discrimination that the Civil Rights Act provided. It is impossible to have a civil rights policy that requires remedies for racial imbalance, and simultaneously recognize the adverse impact of the remedy on white males.

Over the past two decades we have inadvertently created a caste society in which there are two classes of citizens: those who are protected by civil rights laws, and white males, who are not. Catherine Crier reported on ABC-TV's "20/20" (November 18, 1994) that a Defense Department memo specifies: "in the future special permission will be required for the promotion of all white men without disabilities." Ms. Crier also reported that job postings for U.S. Forest Service firefighting positions specified that "only unqualified applicants will be considered," and the Federal Aviation Administration, the agency in charge of air traffic safety, has recently provided its supervisors with guidelines that state: "the merit promotion process ... need not be utilized if it will not promote your diversity goals."

The exclusion of merit is an ironic outcome of a movement whose goal was inclusion.

In the ensuing public debate we must keep before our eyes the basic fact that democracy and equality before the law are the only reasons we have any civil rights. We certainly cannot protect civil rights or advance their cause by actions that erode the democratic process and equal standing before the law.

Sacred Cows

Both the 1954 *Brown* decision and the 1964 Civil Rights Act are treated like sacred cows. But these two events overthrew the presumptions on which modern liberal society was built: goodwill among citizens, freedom of conscience and persuasion. For four decades U.S. civil rights policy has been based on the essentially Marxist assumption that irreconcilable race and gender interests prevent self-rule from producing moral outcomes. By accepting the assumption that people cannot transcend their race and gender interests, we open the door to regulatory coercion.

Today, few, if any, of those who are regulated view civil rights compliance as a moral issue. It is a pocketbook matter, pure and simple. The goals are to escape from impoverishing lawsuits and to hold on to government contracts or, for beneficiaries of the law, to obtain favor unrelated to merit. Doing the right thing has been disconnected from moral consciousness. Indeed, the quotas required to prove that one is upright offend morality by requiring decisions to be made on the basis of the color of a person's skin. In the U.S. today, race has displaced citizenship as the badge of identity. ■

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David Simcox is a Catholic layman who writes frequently about ethical and religious aspects of population and immigration issues. He was formerly executive director of the Washington, D.C.-based Center for Immigration Studies.

The Pope's Visit: Is Mass Immigration A Moral Imperative?

By David Simcox

Pope John Paul II's visit to the United States in October was a major offensive in the lobbying campaign for high immigration that the U.S. Catholic hierarchy has waged for decades. The U.S. Catholic bishops have stepped up their campaign since 1994 in the face of California voters' support for Proposition 187's curbs on illegal aliens as well as rising public and Congressional support for lower legal immigration.

Top Lobbyist from Rome

The pope's visit capped this campaign, coming during Congress's consideration of bills cutting legal immigration, combating illegal entry and abuse of political asylum, and barring immigrants from welfare. The House of Representatives' proposed reductions (HR 2202) of about 25 percent in legal immigration are modest at best, falling far short of the deep cuts needed to end immigration's accelerating effect on U.S. population growth. The cuts would roll back part of the 40 percent increase in legal immigration rushed through Congress in 1990 by a coalition of immigration advocates in which the American bishops played a central lobbying role. The current bills in both chambers would also provide new tools to stop the annual growth of more than 300,000 thousand in the number of illegal aliens living here.

John Paul II made the presumed moral obligation of Americans to accept more immigration a key theme of his homilies in New York, New Jersey and Baltimore, and in his meeting with President Clinton. He voiced the hope that "America would persevere in its own best traditions" as a "haven for generation after generation of new arrivals."

The pope is not a neophyte in using his visits here to step into the politics of immigration. In Texas in 1987 he publicly endorsed the "sanctuary movement." Sanctuary activists, many sponsored by churches, were then smuggling and harboring illegal aliens from conflict-torn Central American countries as a condemnation of allegedly unresponsive U.S. foreign policy and refugee law.

Immigration Not a Life Issue

In a more troubling turn for Catholics and for other Christians concerned about population growth, papal pronouncements here and in Rome, such as the Papal Letter on the "Gospel of Life" early in 1995, increasingly imply a moral equivalence between immigration restrictions and practices of what the Pontiff calls the "Culture of Death:" abortion, contraception, capital punishment, euthanasia and assisted suicide.[1]

Immigration has thus assumed a prominent place in the church's "consistent ethic of life." This ethic enjoins the Christian to stand in "solidarity with society's weakest members — the "elderly, the infirm, the unborn" — and now the immigrant. In this view, setting appropriate immigration levels becomes a critical ethical decision that cannot legitimately be based on the national interest, but on an overarching "common good" of all humanity.[2]

The U.S. hierarchy's creeping radicalization of church teaching on immigration blurs the distinction between the state's first obligation to the welfare of its own citizens and the obligations it may have to all humankind. Rejected is the primacy of the contractual obligations among members that has been at the heart of the democratic nation-state. National interest as a basis for immigration and population policies is deeply suspect in the hierarchy's view. In its place the church offers a high-minded but amorphous sentiment of a global "common good," but without a global social contract or a global entity to define or implement it.

Both Rome and the U.S. bishops have radicalized Catholic social teaching on immigration in other ways since the Vatican councils of the 1960s. The Church in

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the post-World War II era for the first time proclaimed a "right" of immigration. But it balanced that new-found right with acknowledgement of the right of governments to regulate immigration for the common good. Church pronouncements now affirm immigration as a virtually absolute right, while they have qualified the regulatory rights of states to the point where they are emptied of any legitimate scope of action. The rights of persons to emigrate and to immigrate are held up as a universal norm binding Catholics:

> *Catholic citizens are required to work to see that as far as possible the laws of their countries adhere to this universal norm."*[3]

The hierarchy only muddles the debate and confuses the faithful by finding a moral mandate for mass immigration in highly selective and narrowly interpreted biblical verses. One result is the portrayal of the ancient Israelites, because of their mandate of kindness to the stranger, as liberal cosmopolitans deserving our emulation.

But the Bible, particularly the Old Testament, is far more ambivalent about strangers and aliens. Indeed, the theme of the Old Testament can be seen as a proto-nationalistic struggle of a people to capture and retain their own territorial space wherein they can assert the primacy of their most cherished collective values.

While at times viewed as a needy stranger, the biblical alien was often seen as a usurper or a threat to the community and its unique values. Jeremiah groans: "Our inheritance is turned to strangers, our houses to aliens" (Lamentations: 5:2). Joel's (3:17) proclamation is unabashedly exclusionary: " ...then shall Jerusalem be holy, and there shall be no strangers pass through her any more." Borders were important to the ancient Israelites, as the logical dividing lines between radically different ways of life and worship: the Bible contains 129 references to borders and their location.

Overpopulation: Myth or Reality in Rome's World View?

Most disconcerting is the absence in current church positions of any concern with numbers or limits. If immigration itself is held to be a spiritually regenerating process, the inference from recent church statements is inescapable: just as there can never be too many people, there can never be too many immigrants. In Rome's and the bishops' prevailing cornucopian view, overpopulation is a non-issue. A 1994 report of scientists of the Papal Academy of Sciences warned that the birth rate "must not notably exceed two children per couple," concluding that birth control on a global scale was "absolutely necessary ... to prevent the emergence of insoluble problems." The Vatican strongly denied that the Academy's finding represented church teaching.[4] Since then Cardinal Lopez Trujillo, Chair of the Papal Council on the Family, has dismissed overpopulation as a "myth."

But Pope Pius XII acknowledged in 1952 that "overpopulation" and scarcity of jobs were conditions in sending countries that justified emigration.[5] (Pope John Paul II's 1995 *Gospel of Life* also accepted the existence of "overpopulation" in the developing world, only to rule out contraception and abortion as solutions). In the light of Pius XII's statements, the hierarchy's current reasoning is curious: overpopulation and scarcities of jobs exist and *emigration* is a legitimate way of relieving them; but limits on *immigration* are not morally legitimate actions of states to prevent overpopulation or job scarcities.

American Catholics and the Pope: Spiritual Assent, Practical Dissent

Americans of all faiths are right to be edified by the Pope's and the bishops' eloquent promotion of human rights. But such generalized exhortations on immigration make a fragile basis for workable public policies in the temporal world. The otherworldly tone of papal teaching on immigration and population issues helps explain the increasing tendency of American Catholics to respect the Holy Father and the bishops as spiritual leaders while rejecting their specific guidance.

A TIME-CNN poll shortly before the pope's arrival showed that 83 percent of U.S. Catholics had a favorable opinion of John Paul II. But 69 percent of Catholics believed that abortion is not morally wrong in every case; and 93 percent felt that artificial birth control was morally acceptable for Catholics.[6]

On immigration, 54 percent of Americans contacted in a recent New York Times-CBS News poll wanted immigration reduced. The results for the Catholic respondents were statistically undistinguishable from the country as a whole.[7] Archbishop Roger Mahony of Los Angeles, the most outspoken Catholic hierarch on immigration, blamed strong Catholic support for Proposition 187 (49

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percent of all California Catholics supported it and 59 percent of non-Hispanic Catholics) on the "low informational level" of many Catholics.

Mahony affirmed the church's intent to "re-evangelize" Catholics on such issues.[8] But even "re-evangelization" is not likely to make the majority of Catholic voters accept Mahony's proposition that the nation's right to control its borders must take second place to the rights of immigrants to enter and remain.

Catholics in particular have reason for concern about the way the nation's other believers and secular Americans see the hierarchy's increasingly triumphalist statements on immigration. Declarations of Catholic leaders that immigration is the wave of the church's future and is a welcome source of growth and rejuvenation may sound to non-Catholic Americans like another demographic power play — especially to those leery of the church's existing power or suspicious of the depth of its commitment to separation of church and state.

An Ethic of Sustainability

The unconditional pro-natalist, immigration-expansionist doctrines of the church hierarchy overlook other equally compelling moral and ethical issues of population and immigration and their consequences for the common good. The dignity of human life is ultimately related to its quantity. And the survival of human life is fatally tied to the viability of life's support systems.

The hierarchy's obsession with maximizing human life on earth today may well compromise the planet's ability to support human life in future centuries. A sustainable population now will help ensure the world's and America's ability to support human life indefinitely.

The United States has historically been generous in receiving immigrants. Rome ignores the record of the United States since its inception in opening itself to millions. The pope's prescription would have the nation labor under that mandate forever, regardless of the profound demographic, economic and environmental transformations in our society.

America's bounty is not limitless. Contrary to the hierarchy's cornucopian view, the nation's ability to provide for its own needy is diminished by today's mass immigration. Remarkably, the U.S. bishops, even as they press for more immigration, have stepped up their campaign against the deteriorating real wages and conditions of American workers, the lack of low-income housing, and Congressional proposals to cut welfare benefits, as if high immigration were unrelated to those conditions.

To lump immigration in with searing life issues such as abortion, euthanasia, and capital punishment, misrepresents them all and further polarizes debate. Declining to admit immigrants when clear national interests demand such limits is hardly a denial of life. The hierarchy's instinct is to see all immigrants as victims without options, ignoring the wide range of resources and alternatives they have and the diversity of their motives for seeking to come.

A theological question for the faithful in the current conditions of the United States is: who are the strangers that most enjoin our concern? Today's true "strangers" are our chronically deprived and disenfranchised fellow citizens, including those whom decades of massive unselective immigration have helped concentrate in deprivation in our cities.

An environmentally sound and sustainable United States can make a far greater contribution to the quality and permanence of human life on earth than can a nation that is overcrowded, highly stratified, resource-depleted, and seriously polluting to both itself and the world. ■

[Editor's note: For a related article see "How Many Immigrants Does Vatican City Take? Actually None" by James Robb, THE SOCIAL CONTRACT, Vol. V, No. 4, p.280.]

NOTES

[1] Richard A. McCormick. "The Gospel of Life," *America*, April 29, 1995.

[2] U.S. Catholic Conference. *One Family Under God*, July 4, 1995.

[3] Alfonso Figueroa Deck, S.J. "New Directions in the Catholic Understanding of Immigration Rights" in *Migration World*, VOL XXII, No.4.

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[6] "Love the Messenger, Not His Message." *Washington Post National Weekly Edition*, October 9-15, 1995.

[7] *The New York Times*, October 4, 1995.

[8] "An Interview with Cardinal Mahony." *America*, January 28, 1995.

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James H. Walsh, former Associate General Counsel of the Immigration and Naturalization Service, is a consultant on immigration policy. This article is an abstract from a longer paper which is available from The Social Contract Press.

Who's Counting Illegal Aliens?

By James H. Walsh

The United States has more illegal aliens than any other nation on Earth. Each day and each night, more aliens cross U.S. borders in violation of the law, and others become illegal as their visas expire. No one, including the federal government, can say precisely how many illegal aliens currently reside in the United States. As the impact of these numbers heightens, it is high time someone took a count.

The current failure to identify with certainty the number of illegal aliens in the United States has serious implications. A coalition of academicians, politicians, federal and state bureaucrats, special-interest groups and ethnic spokespersons is striving to scale down the numbers and to minimize their impact. The true numbers would incite the taxpayers to more restrictive national and state legislation than California's Proposition 187.

Current Guesstimates

The INS figure for illegal aliens permanently crossing U.S. borders or overstaying their visas each year is between 200,000 and 300,000 men, women, and children. Using this annual rate, published in the INS Statistical Report of 1992, the total illegal alien population in the United States would have risen from 2.2 million in 1988 to 4.1 million men, women, and children in 1995. The Urban Institute, a social research think tank, hired by the INS to study immigration legislation and policy, uses these figures, as does the General Accounting Office (GAO). Professor Julian Simon of the University of Maryland, who writes on business aspects of immigration, uses the INS range, as does Sam Roberts, *New York Times* urban affairs columnist, in his book, *Who Are We, A Portrait of America*. Attorney General Janet Reno cited these figures in testimony before the Senate Judiciary Committee in 1994. The INS figures would seem to be etched in stone, but should they be?

The seminal statistical work was conducted by Robert Warren, director of the INS Statistics Division, and published in a 1994 INS paper entitled, "Estimates of the Unauthorized Immigrant Population Residing in the United States, by Country of Origin and State of Residence: October 1992." Warren emphasizes that his figures are estimates and acknowledges the assistance of the Urban Institute; the Center for Social Demographic Analysis at the State University of New York, Albany; and the New York City Planning Department. All the major players in immigration statistics quote each other.

Warren used the INS Nonimmigrant Information System (NIIS) to establish the estimate that more than half of each year's illegal aliens are persons admitted for a temporary period who fail to depart as required — in other words, visa overstays. Failing to mention that the 1990 nonimmigrant records were lost during an error in processing of the NIIS database, Warren concludes:

> *The actual population residing in the United States in October 1992 is not likely to have been higher than the estimated total of 3.4 million because the assumptions used to construct the estimates were selected deliberately to avoid underestimating the population.*

In other words, the INS just guessed.

Who's *Actually* Counting?

When INS Commissioner Doris Meissner testified before Congress in 1994, she admitted that estimates of illegal aliens in the United States are only estimates but still cited the Warren paper as a dispeller of myths about illegal alien numbers. The incestuous cycle of affirming the Warren figures of 200,000 to 300,000 new illegal aliens in the U.S. each year discourages bureaucrats and academicians from testing these numbers with fieldwork, and weakens the credibility of the audits, studies, and position papers based on them.

The current INS focus is on visa overstays rather than border crossings. The agency estimates that over half of all illegal aliens in the U.S. entered legally on

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business, student, or tourist visas but then decided not to go home. Many visa overstays planned from the start to use their visas as an entry permit and had no intention of leaving the country, especially those persons coming from Africa and the Asian subcontinent. In this way, they avoid paying a smuggler and often receive financial assistance from schools and philanthropic groups.

Testing the INS Estimates

The INS estimates that 200,000 to 300,000 persons have entered or overstayed illegally each year since 1992. With a variance as wide as 100,000 persons, let us use 250,000 as an annual figure for new illegal aliens. Accepting the INS estimate that less than half of these are border crossers, then under 125,000 persons permamnently cross the borders illegally each year, or 342 persons crossing the air, land, and water borders each day! Such a figure is absurd and does not coincide with the daily apprehensions at the U.S.-Mexican land border alone.

In 1994 U.S. officials estimated that 100,000 Chinese are smuggled into the United States each year, such as those who came ashore off Queens, New York, in 1993 on the *Golden Venture*. That means approximately 273 Chinese enter illegally each day, which from personal experience, is about right, but this would leave only 25,000 other aliens entering illegally at other borders each year.

Mexico traditionally is the largest exporter of illegal aliens to the United States. Other than Mexico, Central American countries were the chief exporters in the 1980s, followed by the Caribbean area.

How many Mexicans are in the U.S. permanently and illegally? The Urban Institute in its 1994 report, *Immigration and Immigrants — Setting the Record Straight*, rehashes the same numbers with maximum additions of 300,000 a year and tries to explain away the much larger number of Mexican illegals — over 1 million apprehended by the U.S. Border Patrol each year. The Urban Institute finds this figure misleading because the Border Patrol counts individuals who may enter more than once until they elude apprehension. The Border Patrol figures also include Mexicans who enter illegally but only for a short stay before returning home, according to the Urban Institute.

Those with experience on the border will find flaws in this rationale. The vast majority of illegal southern border crossers pay $2,000 to a coyote (smuggler) or pay a bribe to the local or federal Mexican police. Border crossers risk robbery, rape, and death in the no-man's land along the border, especially in the San Diego and Yuma sectors. Those hiding from detection have been run over in the dark by Border Patrol vehicles in the arroyos of Arizona and California. Crossing of the Mexican-U.S. land border illegally can be hazardous to one's health. These are very high prices to pay for a few days in the U.S., especially when a legal-border crossing card is easily obtained.

Border patrol field agents calculate that three aliens escape apprehension for every one caught. This is a conservative estimate, as most agents say the rate is more likely five to one. Yet the INS estimate of illegal border crossers comes out to only 69 illegal aliens each day. Why would the United States be putting 4,000 Border Patrol agents on the southern land border in 1995, an increase of 1,000 agents over 1994, if the number of border crossers were so small? The figure, which reflects the absurdity of the INS estimate, does not include illegal aliens crossing the Canadian land border or arriving at airports, seaports, or other coastal landings. The only logical conclusion is that *more* than 300,000 illegal aliens are permanently entering the U.S. each year — *many more*.

The actual figure could be ten times the INS estimate or 2 million illegal aliens per year since 1980 for a total of some 30 million illegal aliens currently residing in the U.S. Such a figure would better account for the taxpayer revolts in the border states.

Another source of illegal aliens not included in any estimates are the approximately 400,000 asylum applicants currently awaiting adjudication. Only 8 to 12 percent of asylum applicants have received grants of asylum in recent years. Those denied asylum may appeal the ruling, but in actuality, few of these persons are ever deported, because they simply disappear into the population. INS managers have not been able to allocate the resources to apprehend and deport this group of illegal aliens, which could number 352,000 persons from the current asylum applicant pool.

Correcting the Count

It is time for the United States to provide its policy makers with accurate numbers on illegal aliens currently within U.S. borders overstaying their visas, or failing to comply with orders of exclusion and deportation. ■

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Congress Set to Act: Reality Intrudes On Immigration Issue

By Don Feder

Congress is close to doing something sensible about the alien inundation, and immigration Pollyannas are panicking. Writing in the September 29 *Wall Street Journal*, Paul Gigot did a Chicken Little number on the Simpson-Smith immigration bill.

The columnist claims the bill's provision for an identity-verification bank, to curtail the employment of illegal aliens, is a menace to civil liberties. Republicans would establish an intrusive bureaucracy to catch those "guilty only of crossing the border to find work."

It sounds so trivial — like littering or loitering. How can we deny desperate folks the opportunity for a livelihood? None of this can be squared with "GOP rhetoric about lean government," Gigot grumbles.

And you always thought that controlling our borders was an essential operation of national government. Perhaps congressional devolutions will return the Border Patrol's functions to the states.

Facts are such pesky critters, always nipping at the heels of dogmas. It is an article of faith for Chamber of Commerce conservatives, libertarians and the invisible-hand society that immigration — illegal or not — is at the worst benign and probably confers untold benefits on this nation.

But reality intrudes on comfortable mythology. In late August, the Census Bureau issued a bombshell report, "The Foreign Born Population: 1994." Last year, its numbers reached a postwar high of 8.7 percent of the population, double the proportion of immigrants in 1970. In California, 25 percent of the population is foreign-born.

These numbers are augmented by about one million a year. By the middle of the next century, the foreign born could account for 14 percent of all residing within our borders.

Big deal, the Gigots reply. Nation of immigrants, melting pot, Lady Liberty lifting her lamp to huddled masses and all that.

The melting pot is boiling over. Look at the demographics of the alien influx. Immigrants of the '90s are twice as likely as the native born to lack high-school education. Forget their indifference to learning our language, history and customs; many are qualified only for the most menial positions.

Consequently, they have twice the rate of welfare dependency of the general population (5.7 percent against 2.9 percent). Among Asian immigrant families, 23 percent are collecting AFDC and 13.6 percent SSI. It's rare that Gigot and company deign to notice this doleful effect of open immigration.

Besides those supported with government checks, other huddled masses have found sanctuary in our penal system. In just five years (1988 to 1993), the proportion of aliens in federal prisons rose from 21.1 percent to 25.4 percent. It is conservatively estimated that there are now nearly a half million immigrants in prison, on probation or on parole.

"Immigrants of the '90s are twice as likely as the native born to lack high school education. ...many are qualified only for the most menial positions."

Immigration fuels the population explosion, with corresponding social costs — pollution and overcrowding chief among them. Absent porous borders, the Census Bureau estimates our population would stabilize at around 260 million by 2050. Under the current drift, it will swell to at least 390 million and could reach half a billion. Welcome to America on the Ganges.

And while we're packed like proverbial sardines, we can contemplate all of our irritating differences that

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are aggravated by unrestricted immigration.

New immigrants are altering America's racial/ethnic composition. The last great immigration wave prior to 1965 (1901 to 1920) was 86 percent European.

Of those who arrived between 1980 and 1993, 82 percent are Hispanic or Asian. Blacks from the Caribbean and Latin America immediately qualify for affirmative-action preferences, as will their children and grandchildren.

No beautiful mosaic this, but a multicultural fraying of the social fabric. By 2020, whites will comprise less than 60 percent of the population of the nine largest states. Would that race and ethnicity didn't count, and we could all live together harmoniously. Liberalism's penchant to make everything a color issue has precluded that.

Riots, cultural separatism, a racialized justice system and demands for reparations will be among the more pleasant aspects of our growing Balkanization.

In its June 26 issue, *National Review* — a certified champion of lean government policy — editorialized that "open immigration is a highly interventionist government policy."

Here, deliberate inaction sets off a chain reaction. It transfers wealth, reorders our existence and changes society over majority protests. ■

Open the Gates

Maybe Sarcasm Will Get Their Attention

Business Week has joined the chorus of seven electronics CEOs who have bewailed efforts to "choke off" the flow of immigrant engineering and science professionals into the country. We quite agree. There's obviously a shortage of effective, trained professionals in our work force, and we need to fix it now. Indeed, in the spirit of maintaining our national interest, we shouldn't stop with engineers and scientists.

Open the floodgates, we appeal. Start by letting in those well-educated, well-trained human-resource people from across the seas. Tap the thousands of unemployed HR specialists in Russia, Iraq and Cuba, all of them well-trained in reading between the lines, who can ferret out and banish 50-year-old applicants in the blink of an eye.

Let in the youthful, aggressive editorial writers, champing at the bit in Beijing, to reinvigorate the newsrooms of McGraw-Hill (home of *Business Week*), *The New York Times* and other tired publications bloated with pompous. overpaid, archaic editors — the guys who can remember typewriters and can never be retrained to serve up today's MacNews. With fewer journalism grads these days from our American universities, thanks to all those papers going out of business, we must hire from outside our borders to maintain our tabloid competitiveness.

American CEOs and presidents warn of market slippage and delays because they can't get qualified engineers fast enough. In that spirit we suggest going one step further: it's been obvious for years that a shortage of capable CEOs has existed. We should really rectify that by importing more executives. Immigrant CEOs, eager to get a green card, would take less money (about $500,000 less), make fewer demands (no golden parachute deals that cost stockholders millions) and could toss darts at the strategic-decision board with equal facility.

And let us not forget our elected officials in Congress. Waiting in the wings of Third World autocracies, Bosnian war councils and the Taiwanese Boxing Federation are worthy, university-trained lawyers itching to represent us. Familiarity with the English language is not necessary. Bureaucratese, however, is mandatory.

— Editorial by Robert Bellinger
Electronic Engineering Times, October 9, 1995

[TSC editor's note: In addition we should bring in about 200,000 each of lawyers, and especially economists, so we can test whether the law of supply and demand (and hence employment and compensation) is really passé.]

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Jeffrey Hart is a retired Professor of English from Dartmouth College and a nationally syndicated columnist. *© 1995 by King Features Syndicate, Inc. Reprinted by permission.*

Halt Immigration While Reform Is Debated

By Jeffrey Hart

I'd like to call attention to a remarkable article published by former Colorado Gov. Richard Lamm. The column was printed in April in the *Rocky Mountain News* in Denver and recently reprinted in the local New Hampshire press. It has the potential impact of the theses nailed to the church door by Martin Luther in 1517.

Lamm is a clear and courageous thinker who is not afraid to speak his mind, and he tells the sharp-edged truth on the issue of immigration to the United States.

The immigration issue is hitting hard even in New Hampshire, which is far from the Rio Grande and from the Caribbean.

But before we get to Lamm and to immigration, I want to say a word about sharp-edged issues.

As the election year of 1996 approaches, an enormous number of the issues that are "up" have sharp edges. They are not very available to consensus and compromises.

That is because those issues go the heart of the nature of these United States, and both or all sides of the issues have moral and theoretical dimensions.

It is certainly true of the vexed "affirmative action" issue. It is true about fiscal policy, and the deficit, and the duties of this generation to the next. It is true about welfare — about whether it is an "entitlement," and about whether illegitimacy should be subsidized.

Next year there will be a powerful urge to postpone the ultimate confrontation and choice. Sen. Bob Dole's experience and temperament lead him to seek compromise, but he is being pushed toward confrontations he hates by dynamics of the Republican Party, as witness his recent speech demanding English as our official national language.

President Clinton would like to fudge things, as in his recent speech arguing that "the problem is wages, not welfare or immigrants."

The vague idea of Colin Powell is also a fudge, of course. Powell is Mr. Soft Edge in a sharp-edged time.

Richard Lamm puts the basic questions bluntly. Do we need more people in the United States? Are we under-populated?

"The average American woman has 2.1 children in her lifetime — a number that would stabilize the U.S. population by the year 2040 at approximately 305 million Americans," the former Democratic governor writes. "Whether we grow to 400 million or 500 million Americans depends almost entirely on immigration."

He asks, Do we need more labor to run our economy? Does America really need more unskilled labor? Does it need more skilled labor?

"The issue before us is not illegal immigration. That should be terminated in any case. The issue is legal immigration."

Lamm reminds us that 25 years ago the Commission on Population Growth and the American Future concluded: "We have looked for, and have not found, any continuing economic argument for continued population growth. The health of our country does not depend on it, nor does the vitality of business nor the welfare of the average person."

Lamm considers in his short article the issue of decent space. Are things even now too crowded? Anyone who has driven, or tried to drive, along the Los Angeles freeway can talk about that. Anyone who has tackled the Long Island Expressway — "the world's longest parking lot" — can chime in. If you want to use the New Jersey Turnpike, try driving around 3 a.m.

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The population drain upon our natural resources is prodigious. The water table in Florida and in parts of California is dangerously low. The New York City water system is collapsing underground, and renewal is unaffordable. The beaches in California, New York and elsewhere are increasingly crowded or private.

Lamm does not touch upon the 1965 law that reformed immigration to America, unintentionally opening the gates to a huge influx from the Third World.

One result has been an exodus of English-speakers and traditional Americans from the large cities and the consequent rapid growth of small cities, of fewer than 1 million people. Is it acceptable that traditional Americans should feel like strangers in their own land?

Sometimes it is said that we are a "nation of immigrants." That is not true.

The original settlers were "colonists," makers of a nation. There was a huge surge of immigration in the latter half of the 19th century. And that was about it, until the 1965 law brought in the Third World.

The Statue of Liberty had nothing to do with immigration. It was given to us by republican France to symbolize "liberty enlightening the world."

Years later, Emma Lazarus' famous lines were added: "Give me your tired, your poor..." Lazarus' sentiments are not found in the Constitution, and they are not in the Declaration of Independence.

When Lazarus wrote them, the United States had vast open spaces and a tiny population. There was work for strong backs, and for nation-building.

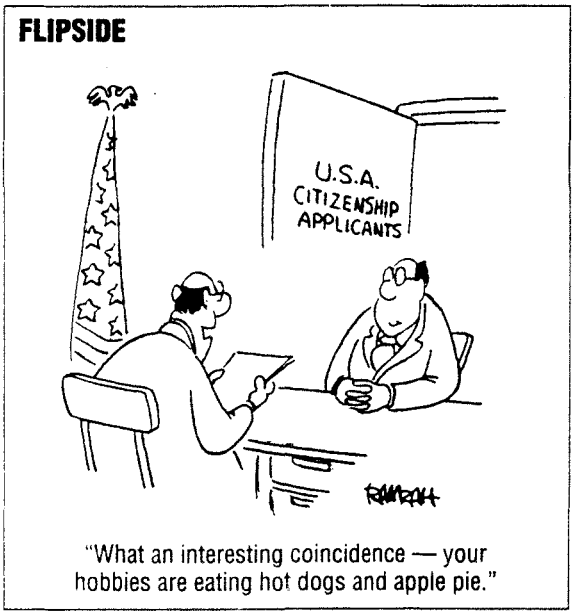
That is not the case today, not by a long shot.

At the very most, access to America's bounty should be available to those who can make a different kind of contribution — the men and women who bring rare skills and high education.

The issue before us is not illegal immigration. That should be terminated in any case. The issue is legal immigration.

We need a moratorium on all immigration — four years, say — while we discuss and debate the issue.

[Editor's Note: Copies of former Colorado Governor Richard Lamm's paper entitled "Immigration — More Means Less for All" can be obtained by writing the editors of *The Social Contract*, 316 1/2 East Mitchell Street, #4, Petoskey, MI 49770 or calling 1-800-352-4843.]



"What an interesting coincidence — your hobbies are eating hot dogs and apple pie."

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This article describes some progress on the I.D. front. It is reprinted by permission from the October 31, 1995 edition of The Orange County Register. *Our thanks to reader Richard Gausewitz for drawing our attention to this development.*

INS Pilot Project for Verification

By Tony Saavedra and Guillermo X. Garcia

Santa Ana [California] is the primary testing ground for a nationally watched computer project that allows employers to instantly verify immigration papers — a system that many say is crucial to keeping undocumented workers off U.S. payrolls.

About 200 Southern California businesses — more than half in Santa Ana — were recruited for the pilot project being unveiled today by Immigration and Naturalization Commissioner Doris Meissner.

The INS also is sending 18 new agents to investigate employers in Santa Ana and Industry — creating an intense double-punch strategy that if successful could spread nationally, officials said.

"If we can do it in cities like Santa Ana and Industry, we can (try) with the other districts," said Richard Rogers, director of the agency's seven-county Los Angeles district.

The combination will bring an unprecedented level of scrutiny to Santa Ana businesses. Typically, only 35 agents are assigned to check employers from San Luis Obispo to San Clemente.

Immigrant advocates questioned whether the INS' database can be trusted, and whether the effort is fair.

"My fear is it's going to be discriminatory because they are not going to do it for the white Canadians, just the brown Mexicans," said Tustin immigration lawyer Kathryn Terry.

They left in busloads, 203 workers carted away by immigration agents in 1993 because Vans Inc. in Orange couldn't distinguish between real and bogus green cards.

Now the company has help. With the tap of a computer keyboard, Vans can link into an Immigration and Naturalization Service database and verify the papers in seconds.

"We're not losing sleep anymore saying, 'Gee, I wonder if I made the wrong call on this document and if the INS audits us, how many are going to come back bad?'" said Craig Gosselin, vice president and general counsel for the 1,100-employee shoe manufacturer. "It takes the guesswork out of a very difficult process of reviewing scores of documents."

There are concerns, however. Civil-rights groups and minority leaders nationwide have long argued that the automated system would violate the privacy of job applicants and rely on a notoriously backlogged computer database.

System Frees Investigators

INS officials say the online service would help employers who want to comply with hiring laws, but are baffled by more than 29 documents that can be offered as proof of eligibility, such as passports and work permits. The system also would free INS investigators to concentrate on companies that knowingly hire illegal workers.

"This pilot is an attempt to keep unauthorized workers from taking jobs from Americans or from workers who have the legal right to be here and be employed," said Bob Bach, INS associated commissioner for policy and planning in Washington, D.C.

Immigration chief Doris Meissner is scheduled to unveil the pilot project today in a news conference at a Santa Ana bicycle factory. If successful, the program, which costs less than $750,000, would be expanded next year to 1,000 firms in other immigration-heavy states and could ultimately form the groundwork for a national system, officials said.

The project focuses mostly on Orange County and Industry, primarily because of their large populations of immigrant workers and past problems with illegal hiring, officials said. Many of the firms involved have been raided or audited by the INS. And many complained they had been duped by counterfeit documents.

The project is an outgrowth of a nine-company verification system tested two years ago, using a device made for checking credit cards. It uses INS-issued software to link by modem into a 50-million-document database stored at Lockheed Martin Corp. in Orlando, Fla.

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After a noncitizen worker is hired, his immigration number, his first initial and the month and year of his birth are entered into the computer. If the data is not confirmed, further INS databases are checked within three days.

"More than half the companies testing the system are in Santa Ana where minorities — primarily Hispanics — make up 77 percent of the population, and counterfeiters hawk fake immigration documents for $100.

If verification still does not arrive, the worker is told to report to the local INS office within 30 days to clear up the problem.

Safeguards Built In

Built into the project, the INS says, are safeguards to ward against discrimination and invasion of privacy: the documents are checked only after the worker has been hired, and he remains employed throughout the process.

And the database has been re-tooled to make information easier to find, officials add.

"The critics can fire away and the burden is on us. But it's not that we've made mistakes, it's that we haven't been able to find the (records) fast enough," said John Nahan, an INS director involved in the project.

Critics, however, point to one lawsuit alleging that the agency misplaced records for thousands of political-asylum applicants.

"We get so many errors generated by their computer system... it's broken all the time, it's always down," said Tustin immigration attorney Kathryn Terry.

More than half of the companies testing the system are in Santa Ana, where minorities — primarily Hispanics — make up 77 percent of the population and counterfeiters hawk fake immigration documents for $100.

The city will soon come under the most intense scrutiny ever in Southern California. Along with the computer project, the INS has brought in 18 new agents to focus on hiring practices in Santa Ana and Industry. That is nearly 10 times the scrutiny typically focused on all of Orange County.

Bill Harris invites the attention. Harris said his company, Fireplace Manufacturers Inc. in Santa Ana, has paid thousands of dollars in INS fines for having incomplete records.

"(Now) we can quickly, effectively and cheaply get it checked out — it removes the burden from us having to determine if the document is legal or counterfeit," said Harris, who volunteered the firm for the pilot project.

Not everyone was so open. A spokesperson for the Employer's Group, which represents more than 1,000 Orange County companies, said most members balked at participating because they don't trust the INS. "They don't want to be exposed to compliance issues and there is no guarantee that they would not be," said consultant Elizabeth Winfree Lydon.

But the INS plan was backed by Mike Potts, executive secretary of the 100,000-plus member Los Angeles/Orange County Building and Construction Trades Council.

Potts said intensified screening will spare workers from having to compete with illegal immigrants, and protect legitimate contractors from those who cut costs by paying illegal workers under-the-table wages.

"It makes it more fair for the legitimate contractor who follows the rules," Potts said, "and weeds out the scum buckets." ■

[*Orange County Register* staff writer Martin C. Evans contributed to this report.]

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Carl Shusterman is a specialist in immigration and nationality law. From 1976 to 1982 he served the Los Angeles office of the Immigration and Naturalization Service. This report is reprinted with permission from U. S. Immigrant: A Current Review & Analysis of Immigrant Rights, *Vol. 3, No. 5, 1995.*

INS to Waive Naturalization Interviews

By Carl Shusterman

One year ago, the number of applications for naturalization received by the INS office in Los Angeles was a "mere" 500 per day. By the fall of 1994, daily receipts had increased to over 1,000. Now, the number of receipts is 2,500 per day and growing.

Why This Avalanche of Applications?

What accounts for this exponential rate of growth? In part, it is fear caused by the passage of Proposition 187 and various bills proposed in Congress which would cut off a number of federal benefits to lawful permanent residents. However, most of the new applicants are persons who obtained their green cards in 1989 and 1990 through the amnesty program. In addition to the 800,000 persons who are granted permanent residence in any given year, during those years, an extra three million persons became permanent residents through amnesty. Over one-third of the total were residents of Southern California.

Given present trends, the number of naturalization applications filed daily could have reached over 5,000 by the end of 1995. Presently, INS has the capability to interview only 500 to 600 applicants per day.

Lack of Funding Leads to Change in Policy

The present waiting time from submission of a naturalization application to interview averages between eight and ten months. Another two or three months are required before the applicant is naturalized by a Federal Court judge. If present trends continue the waiting times could quickly increase to two or three years.

Congress failed to appropriate any additional funds for the naturalization program proposed by INS Commissioner Doris Meissner. Therefore, INS decided to reconsider all aspects of the naturalization program and devise a way to cope with the growing backlogs without a huge infusion of money.

Commissioner Meissner announced that INS's Los Angeles office would be allocated an additional 100 positions for immigration examiners. In addition, INS is considering eliminating the interview requirement in five major cities, including Los Angeles and Miami, for applicants whose applications are clearly provable. The English and the history and government tests will be administered by private agencies for an additional fee. INS will still send each applicant's fingerprints to the FBI to check for any criminal record.

"...INS is considering eliminating the interview requirement ...tests will be administered by private agencies ... 75 percent of the total will be sworn in as U.S. citizens without the necessity of undergoing an interview."

However, those applicants who are obviously eligible for naturalization, approximately 75 percent of the total, will be sworn in as U.S. citizens without the necessity of undergoing an interview. It is hoped that this new system will enable INS to keep backlogs from increasing without compromising the quality of their adjudications. ■

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Friedrich Heckmann is Professor of Sociology at the Economic and Political Polytechnic in Hamburg, Germany. He held a Fulbright Scholarship in sociology at the University of Kansas, 1965-67, and is also a co-founder of the European Forum for Migration Studies (EFMS). This paper was presented at Writers Workshop XIX, in Washington, D.C., on October 19, 1995.

Migration Policies in Germany Five Years After Reunification

By Friedrich Heckmann

The year 1989 saw a revolution in Europe; one of its results was the reunification of Germany. A few weeks ago we celebrated the fifth anniversary of this event.

Revolutionary times are those of enormous social and spatial mobility; as a matter of fact, the emigration of East Germans through a hole in the Iron Curtain in Hungary was a major factor in bringing down the East German regime.

For several years after 1989 we had figures of well above a million immigrants, with 1.6 million in 1990 as the pinnacle. These figures, by the way, are above the numbers of immigrants to the United States in the same period. Two years after reunification, migration and violence against foreigners were in the center of public interest and attention; in 1993 it almost seemed that there were hardly any other topics in German politics than migration, asylum and xenophobia.

By now, the situation is quite different; in opposition to the United States topics of migration and asylum are not in the center of politics anymore, though still occupying a prominent place. German unity has become a normality, and the discussion on migration issues is proceeding in a much more "normal" way than before. Also, violence against migrants has gone down substantially. The so-called asylum compromise between the two major political parties in 1993 and the ensuing change in the constitutional asylum law was essential for bringing about this change.

All of this does not mean, of course, that immigration has come to a standstill. Immigration continues on a high level with the following major groups:

- *Aussiedler*, that is, ethnic Germans from Eastern Europe;
- migrants from European Union countries who now have the right to settle anywhere in the EU they wish to;
- asylum seekers and refugees — since the asylum compromise there are still about 10,000 asylum seekers a month;
- labor migrants entering the country under new programs of "guest worker" recruitment, mainly from Eastern Europe;
- illegal migrants.

Asylum Policies

Despite a certain calming down of the whole question of asylum, asylum policies remain a major issue within migration policies. There had been more than 430,000 asylum seekers in 1992 which led to the asylum reform of 1993 which addressed: (1) a *speeding up* of asylum procedures; (2) a *"safe country of origin"* regulation with a list of countries from which one could not ask for asylum; and (3) a *"safe third country"* list so that people coming through those countries to ask for asylum in Germany would be rejected because they could already have asked for asylum in those third countries.

"...asylum migration is a well-organized international affair..."

It was the speeding up of procedures (including a so-called "airport regulation") and the safe country of origin regulation that helped bring down asylum figures.

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The safe third country regulation, however, seems to be ineffective. Since asylum migration is a well-organized international affair, the news about this new regulation has been spread quickly and asylum seekers are being instructed by smuggler organizations to tell that they do not know how they got into the Federal Republic. "I got into a container in Moscow and when I got out of it I was in Germany" — this is a standard answer. The authorities find it impossible in most cases to trace an asylum seeker's travel route, not to mention the problem of convincing a neighboring country to take back an asylum seeker if the travel route is uncovered.

Asylum reform has been supported by important additional measures:

- Deportation procedures have been enforced for asylum seekers whose cases have been rejected — previously, many could stay despite a denial of political asylum.
- Repatriation agreements with a number of countries were signed to ensure that countries take back their citizens. An example of such a treaty would be the repatriation treaty with Vietnam (January 1995) by which that country has agreed to take back some 40,000 Vietnamese citizens who are partly former German Democratic Republic contract workers and partly illegal immigrants. As compensation Germany will resume development aid to Vietnam which had been frozen to facilitate discussion with that government over taking back the migrants.
- Border controls have been strengthened by way of technical measures, as well as an increase in border personnel, and cooperation with such neighboring countries as the Czech Republic and Poland.

Human rights organizations and churches have been quite critical of asylum reform, particularly regarding the speeding up of procedures and the deportation practices. Currently, the asylum law is before the federal constitutional court and, following the court's decision, the public discussion about asylum could gain momentum again.

Citizenship and Naturalization

The confused and confusing debate on whether Germany is an immigration country or not, and on what this statement could mean, still goes on. But it is agreed on all sides of the debate that the majority of foreign migrants who are now in Germany will not return to their home countries but will remain in Germany. This leads to the question of the legal status and rights of the migrants, and to the question of their access to citizenship.

There are two major conflicting issues: first, the relation of *jus sanguinis* (citizenship by descent) to *jus soli* (citizenship by reason of birthplace), and second, the acceptance or rejection of dual citizenship.

The German understanding of citizenship is traditionally and exclusively based on *jus sanguinis*, resulting in a difficulty of access to citizenship for people of non-German descent. A process is still going on, however, in which elements of the principle of *jus soli* have been or will be introduced into citizenship laws.

"...the ruling coalition seems ready to accept dual citizenship under certain circumstances..."

As to the acceptance of double citizenship, the government's position so far has been to flatly deny it. There are forces within the ruling coalition (the Free Democratic Party), however, which seem ready to change this position and accept dual citizenship under certain circumstances — it would help the integration of migrants and solve the problem of the state having a large segment of its population without citizenship rights. Of course, the FDR has in mind another problem as well: its lack of profile within the governing coalition. The issue could be used to distinguish the party from its Christian-Democratic partner. [The European Forum for Migration Studies has produced a position paper on the dual citizenship issue which is circulating now among the political actors and within the political public. EFMS argues that the country stick to single citizenship but allow for dual citizenship for a transition period and for limited groups of immigrants.] There are indications that positions of all the major parties are approaching one another on the issue and that they want it resolved soon.

Unresolved Problems

There is quite a hard strain on Germany's social structure because many processes of integration have

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to be tackled at the same time: *Aussiedler, Übersiedler* (residents of the former East Germany), asylum seekers, labor migrants and their kin, plus refugees. In a total population of almost 80 million there are more than 7 million foreign migrants; if you count the *Aussiedler* as well you come to a figure of 10 million immigrants. Looking at reunification as a process of migration — not as a migration of people but a migration of structures and institutions which have separated people from their former environment and made them quite ignorant of their new environment — it can be seen as creating problems and challenges of integration similar to other migratory movements.

Let me mention four of the important unresolved problems and conflict-ridden issues. The first two are "real problems" and the third and fourth are also real but on more of a conceptual level:

1. There is an increase in "imported" ethnic conflict. The violent Kurdish/Turkish conflict is the most striking case currently.
2. Jobs and firms are being eliminated, particularly in the construction industry, by a new type of cheap labor migration *within the European Union.* This is accomplished through sub-contracting under regulations of the European Union, with wage dumping and early capitalism-like working conditions. This conflict has a severe potential for causing ethnic strife with the mobilization of social tensions and anti-European Union feelings as well.
3. The issue of multiculturalism: most intellectuals are still in love with this concept, however confusing and multidimensional the idea may be. A clarification is not in sight. [Editor's Note: For Professor Heckmann on multiculturalism, see his "Multiculturalism Defined Seven Ways," *The Social Contract*, Vol. III, No. 4, pp. 245-6.]
4. The issue as to whether or not an immigration law is needed: this debate touches on the self identity of the country. Is Germany a country of immigration or not? Shall new institutions and structures be created to approach immigration in a well-organized, systematic and holistic way, or shall the present style of a piece-meal, fragmentized approach that has been the rule for 35 years be continued?

A Final Word

What we see in Germany we see in other countries as well: moves to make it difficult to enter the country while at the same time strengthening the efforts to integrate migrants already in place. How successful these efforts will be depends not only on the European governments but on the decisions of the migrants who have, in democratic societies, quite some room for self-determination in both the areas of immigration and integration. ■

[Copies of the EFMS study (in German) on dual citizenship mentioned in this paper may be obtained by writing to the European Forum for Migration Studies, Katharinenstrasse 1, D-96052 Bamberg, GERMANY.]

Bureaucrats at the Border

Visitng San Diego, Interior Secretary Bruce Babbitt had his rented van stolen — only for it to be stopped the next day by police, chock-a-block with 39 illegal aliens. "Welcome top our world, Mr. Secretary," crowed the San Diego *Union-Tribune* in a front page story.

— from the newsletter of CAPS,
Californians for Population Stabilization
Volume 29, Winter 1995-1996

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Immigration in the European Union

The Schengen Agreements, I and II

By Viktor Foerster

The Schengen Agreement takes its name from a little town in Luxembourg, famous for its vineyards. It is fitting that it lends its name to key concepts of the European Union, for it lies in the center of Europe. Essentially, the agreement is about freedom of movement for individuals and goods between certain nations within the European Union.

Fifty years ago Europe lay in ashes and rubble. The economic, social and political strengths of the Old World had been destroyed by years of war and national conflicts. There was a need to rebuild a new Europe from the ground up — economically, politically and socially — and, at the same time, remove the constant threat of nationalistic rivalry and war which had so often led Europeans to conflict.

Economic recovery was spurred by the far-reaching Marshall Plan in which American aid and investment restored the basic infrastructure and economic base of war-torn Europe. The need to ban the threat of war also meant an equitable distribution of the continent's natural resources. What started as an agreement between France and Germany after the war — an attempt to control any potential for armed aggression by addressing the issue of coal and steel reserves — has become today a complex economic, social and political union that unites 15 European countries and allows for the exchange of goods, capital, services and people in a common market.

The ideal of a European Union has been taken one step further by the Schengen Agreement by stating that there should be a *free* movement of persons and goods *without* any routine customs, passports or other checks at the *internal* borders.

It may be difficult for Americans to understand but in the so-called "united Europe" one was still subject to checks at the border of each country. Think about being a frequent business traveler flying between New York and Los Angeles and having to go through Customs and Immigration. Imagine the delays and bureaucratic effort involved for a trucker to drive his goods from Portland to Miami, stopping at the border of each state for an examination of his load and paperwork, and possibly having the police check his passport and the safety of his vehicle at *each* interstate border. The results for the United States would be horrendous.

It is just such a problem that the Schengen Agreement addresses. Indeed, it was a truck drivers' strike and protest movement in the spring of 1984, resulting from the sheer frustration caused by long queues at internal European borders, which provided the political ignition for the Schengen Agreement."

On June 14, 1985, Luxembourg, Belgium and the Netherlands joined France and Germany to sign the first Schengen Agreement. Five years later Schengen II was signed allowing for the later accession of Italy, Spain, Portugal and Greece to the Agreement. Since that time Austria has joined the European Union and become a signatory as well.

Denmark has been given observer status in the agreement since that country, as part of the "Nordic Union," is already party to an historical association between Denmark, Norway, Finland, Iceland and Sweden which allows freedom of movement to member citizens. While these nations wish to join the Schengen group, for Norway and Iceland their position as non-European Union members will probably mean that they require some sort of special status. In this regard, a probable solution will be that Denmark, Sweden and Finland will become parties to the Schengen Agreement while Norway and Iceland will be allowed a special observer status.

Similarly the United Kingdom and the Republic of Ireland, being island nations, have historic ties and an existing agreement about freedom of movement between the two countries. In this case, it is the United

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Kingdom which has expressed its political opposition to joining the Schengen Agreement.

Having surrendered a measure of sovereignty to the European Union by providing open internal borders, the spotlight shifts to such politically sensitive matters as national security, drug trafficking and international terrorism.

The Schengen Agreement provides for both short and long term arrangements to compensate for a perceived loss of security. One of these is the establishment of a supra-national computerized information and data bank along with a more geographically flexible approach to investigations and pursuit by police and customs officials. The Agreement also sets out common procedures to be used at external borders, action to be taken against drug trafficking and terrorism, a common entry visa policy, and judicial cooperation in civil and criminal matters.

"...provides uniform criteria for determining which state will have jurisdiction for dealing with asylum applications..."

In the future it is planned that customs offices will be able to act with more depth and with more resources behind them. Rather than being stationary at internal frontiers, police and customs units will operate on a mobile basis within their countries. The supranational computer information system will assist in identifying target persons and target regions; suspects and "inadmissable" persons will be entered on a central register. Cooperation between the various national law enforcement agencies will be greatly strengthened so that, for example, "hot pursuit" cross border actions will be permitted.

Despite such arrangements to tighten the Union's external borders, several countries — notably France — have expressed reservations about the full implementation of the Schengen Agreement. The concern of the French is only partly that insufficiently stringent procedures in other EU countries will admit unwanted immigrants from outside the EU who will then move unimpeded to France. A much more immediate concern of the French government relates to matters of illegal drug trafficking and criminality from other countries, e.g. the Netherlands. Notwithstanding these reservations, the French government remains fundamentally a firm supporter of the principles and concepts of the Schengen Agreement.

As regards refugees and asylum-seekers, the Schengen Agreement should be considered in the context of the so-called "Dublin Convention" — A Convention Determining the State Responsible for Examining Applications for Asylum Lodged in one of the Member States of the European Union. The Dublin Convention was signed by member countries of the European Union (both signatories and non-signatories to the Schengen Agreement) and provides uniform criteria for determining which state shall have jurisdiction for dealing with asylum applications lodged within the European Union. Asylum applications are then processed under the national law of the state or country assuming jurisdiction. Generally it can be said that the state which first receives the asylum seeker will have jurisdiction. Thus, a person arriving in Frankfurt on a train from Paris will be subject to French law in any asylum application.

The Dublin Convention should be considered in the context of the Schengen Agreement. Indeed, some alarmists have joined the two to form the establishment of a "Fortress Group" attempting to repel all outsiders. I think such a simplification is unnecessarily alarmist. The emphasis of both agreements — Schengen in terms of freedom of internal movement and the Dublin Convention in terms of asylum seekers and refugees — has been toward more standardization and harmonization of the previous laws, both substantively and procedurally, within the European context.

In many ways the two agreements should lead to more certainty in the application of the relevant law and its effects. It should be noted that the Dublin Convention serves to decide the matter of jurisdiction for asylum seekers, thereby avoiding the inhumanity of creating a "refugee in orbit" with no country accepting responsibility. But the Dublin Convention does *not* seek to replace the application of *national* law.

Ladies and gentlemen: we do not have a United States of Europe, and any direct comparison with a federal system such as the United States of America is therefore, at the moment, misleading. But I am sure you will see that the Schengen Agreement, by allowing for unhindered border crossings, is an important step on the long road to European harmonization and unity. ■

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Gerda Bikales is a writer and public policy analyst who has long been active in the defense of English as the common language of the United States. An immigrant herself, she served five years as the first executive director of U.S.English. She reports from Paris where she will be residing for two years.

Paris: Armistice Day, 1995

By Gerda Bikales

November 11 is a somber day in the French national calendar. It marks the end of a bloody war, waged over four long years, and won at the price of a million young men felled in battle for the honor of France. One of these young men — his unidentified remains buried at the very center of the glorious *Arc de Triomphe*, his grave marked by an eery blue flame that burns eternally — receives throughout the year a steady stream of formal visitors carrying floral tributes, but never as many as on that anniversary. He is *le soldat inconnu*, the Unknown Soldier, a mighty hero in a nation that knows how to honor its heroes.

It was a gray day here in Paris, not very cold yet but with a hint of approaching winter, and enough wind to really whip the gigantic French flag flying within the *Arc*. Our country's flag was there too, next to that of Canada and of Great Britain — symbols of the Grand Alliance that defeated the German army seventy-seven years ago, and which would be called upon to do so again twenty-seven years later.

The President of France was there to pay his respects, and so was the usual coterie of politicians. They made speeches that no one heard because the loudspeakers malfunctioned. The military bands played and soldiers from all service branches and the elite military schools marched proudly in practiced drills, their ceremonial uniforms resplendent. The crowd watching was small, but appreciative. They applauded the marchers as they went by. This was the new French military, men and some women, whites and a few blacks, sharing for a moment the sense of history that flows so elegantly from the twelve broad avenues converging upon the *Arc de Triomphe*, bearing the names of Napoleon's generals and victorious battles.

November 11 was also the start of the Algerian presidential election, the first of three days of voting by citizens of that country at Algerian consulates across France. With a logic all its own, the Algerian consulate in Paris is located on the *rue d'Argentine* — Argentina Street — just a block away from the *Arc de Triomphe*. The lines of eager voters formed at dawn and quickly spilled out to the *Avenue de la Grande Armee*, named for Napoleon's army. There the waiting Algerians could hear the military bands, and catch a bit of the action in the distance.

The number of Algerians showing up at their consulates across France clearly took everyone by surprise. No one had expected such crowds — not the consulates, and certainly not the police. The metros constantly disgorged people, and numerous chartered buses brought in others from small towns all over the Paris region. In the wake of several terrorist attacks in Paris and in other cities, the police quickly called for reinforcements, put up barricades, lined up ambulances, and controlled the flow of a line that grew steadily longer as the day went on. Despite the long hours of waiting, the crowd was largely peaceful. Most police and medical intervention resulted not from overheated political disagreements, but from pushing and shoving in the final stretch leading to the entrance of the consulate.

"About 620,000 Algerian immigrants were counted in the last French population census, in 1990. ...Their French-born children ... do not appear in any separate census category — their number is unknown."

What surprised this observer was the large number of women among the voters. There were older women wearing the traditional headcovering, and younger ones in stylish short skirts, puffing on cigarettes between carefully rouged lips. Overheard

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conversations were in Arabic and French, with French more dominant. For these voters were not only Algerians born abroad, but also their French-born sons and daughters.

About 620,000 Algerian immigrants were counted in the last French population census, in 1990. Over the years, some of these immigrants have become French citizens. Their French-born children, most of whom have dual Algerian and French citizenship, do not appear in any separate census category — their number is unknown. The venerable newspaper *Le Monde* estimates that in all there are a million Algerians living permanently in France.

Judging from the outpouring of eager voters that went on for three days, interest in the affairs of their home country is extraordinarily high in this population, among the French-born as well as among their elders. It is an interest that is implicitly encouraged by the French government, which in fact counted on these very voters, familiar as they are with the ways of democracy, to help bring about a measure of political moderation and stability in Algeria.

Among the voters, immigrants and French citizens alike, many had served in the Algerian military. In France, where a period of military service remains obligatory for all its young men, the law now permits citizens with dual nationality to choose in which army they want to discharge this obligation. And so it is that, with the blessing of the French government, its citizens now carry arms to defend the interests of other nations.

By noon on November 11, the ceremonies at the *Arc* are finished, the marchers and onlookers have dispersed, and the Unknown Soldier is left alone under a blanket of elaborate bouquets. We know very little about him, except that he was surely French — and only French; that he never served in the armed forces of any other country, friend or foe; and that he gave his young life for a country known the world over for its high conception of civil liberties, its relative openness to the contributions of others (including in its military through the legendary Foreign Legion), and, until not long ago, its confidence in itself and in the value of French citizenship. ■

Immigration on the Internet

THE SOCIAL CONTRACT journal and THE SOCIAL CONTRACT PRESS are on the internet. Our address is **www.freeway.net/soccon**. Our home page gives our mission statement, information about THE SOCIAL CONTRACT, a list of books for sale, editorials from several immediately previous issues which highlight the contents of each, plus the internet addresses of other groups working on immigration reform, population control and national unity questions. This home page also hosts the newsletter of the Biocentric Institute edited by William Dickinson.

A number of groups and individuals are coming "on line." Here are the ones we are aware of:

Federation for American Immigration Reform, fair@fairus.org
Center for Immigration Studies (CIS), center@cis.org
Negative Population Growth (NPG), negpop@soho.ios.com
Carrying Capacity Network (CCN), ccn@igc.apc.org
Californians for Population Stabilization (CAPS), caps@calweb.com
Philip Martin (Monthly *Migration News*), migrant@primal.ucdavis.edu
also at: gopher://dual.ucdavis.edu
Norman Matloff (many articles, much data)
heather.cs.ucdavis.edu/pub/Immigration/Index.html

and of course, THE SOCIAL CONTRACT's E-mail address: soccon@freeway.net — we'd like to hear from you.

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This article, translated by the Asia Foundation from Japanese Voice, *was published by the* San Francisco Examiner *on April 19, 1991. The author is professor emeritus at the University of Kyoto. We have not been able to learn his field of expertise.*

America's Ethnic Achilles' Heel

By Yuji Aida

Oh wad some power the giftie gie us / To see oursels as others see us! — Robert Burns (1786)

[The editors of the *San Francisco Examiner* gave this brief preface to the article which we second: *This article is indicative of an influential minority viewpoint in Japan which some people may find offensive. We publish it to illustrate what is being said there.*]

TOKYO — Americans are proud of their melting-pot heritage. But as blacks, Hispanics and Asians gradually come to outnumber whites, that ideal will fade. Like the Soviet Union today the United States will have to deal with contentious ethnic groups demanding greater autonomy and even political independence. That could prove to be industrial America's undoing.

Many Americans, however, feign ignorance of the problem, partly because of the official ideology. The United States sees itself as a pluralistic, multiethnic society with a single national identity based on the principles of freedom and democracy. In fact, discrimination is rampant, but the illusion of equality is vital to maintain a sense of unity.

Nonetheless, it is only a matter of time before U.S. minority groups espouse self-determination in some form. When that happens, the country may become ungovernable.

Today, non-white groups are challenging the traditional order. Within the next 100 years, and probably much sooner, most Americans will be people of color. For the first time since the United States came into being, Caucasians will be a minority. Illiteracy may become widespread, and many Americans will not speak standard English.

Japan, too, faces major changes. A graying economic superpower, it may be a society of old people by the early 21st century. Because of our low birth rate, we might have to admit more foreign workers, skilled and unskilled, to provide basic services and keep the factories running. But these problems pale in comparison with the upheaval threatened by America's demographic evolution.

Do blacks and Hispanics, for instance, have the skills and knowledge to run an advanced industrial economy? If the answer is yes, America will maintain its vitality through the next century and beyond. But I'm skeptical.

To compete in a high-tech age dominated by microelectronics requires a disciplined, well-trained labor force. Brilliant inventors and innovative engineers are not enough. Workers themselves must be highly motivated and equipped to meet the stringent norms of standardization imposed by precision-perfect high-tech manufacturing.

Blue-collar employees have to work steadily, day in and day out, at jobs requiring great concentration and manual dexterity. They must continually hone skills and improve personal performance and products through quality control.

Unfortunately, relatively few national groups meet these exacting requirements. I doubt that many African or Latin-American countries, for instance, will become high-tech societies in the foreseeable future.

"Like the Soviet Union today the United States will have to deal with contentious ethnic groups demanding greater autonomy and even political independence."

The history of industrialization holds important lessons for the United States. As African Americans and Hispanics gradually replace whites in the labor force, management positions and public administration, they will become responsible for corporate America. Do they have the right stuff?

Idealistic Americans say yes. They insist that if scholastic attainment, living standards and social status

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improve, blacks, Mexican Americans and Puerto Ricans will be capable of assuming this burden.

Many Japanese intellectuals appear to agree, either because they believe in equality or are afraid of being labeled racists.

I would like to be optimistic, but frankly, the experience of the last 500 years leaves little room for hope. Blacks and Hispanics will not be able to run a complex industrial society like the United States unless they dramatically raise their sights and standards in the next 40 years.

Burdened with a handicap of this magnitude, how will the United States cope? Personally, I believe America's best bet for continued prosperity is to concentrate on those high-tech industries in which it has comparative advantage and revitalize the economy by developing agriculture.

With its vast human and technological resources, the United States could become a premier agrarian power — a giant version of Denmark, for example — and the breadbasket of the world. ■

The Consequences of Multiculturalism

The Associated Press reported on December 19, 1995 that at Fresno, California a Southeast Asian shaman who had a puppy clubbed to death in the belief the sacrifice would cure his sick wife is fighting animal-cruelty charges on the grounds of religious freedom.

Chia Thai Moua, 46, pleaded no contest to cruelty to animals. However, the Hmong immigrant will be allowed to withdraw the plea if he wins an appeal of a judge's refusal to allow a freedom-of-religion defense.

"The District Attorney conceded this was done for religious purposes, but without that defense we stood little chance in front of a jury," said Moua's lawyer, Richard Ciummo. "If it was a chicken, that would be one thing. But he killed a dog, a puppy. He didn't understand that to Americans, that's like family."

Prosecutor Rhonda Duncan said, "Yes, we have religious freedom in this country, but everything is subject to limitations."

Shamans among the Hmong, who came to this country from the highlands of Southeast Asia after the Vietnam War, believe a dog can use its night vision and keen sense of smell to track down evil spirits and can barter for a sick person's lost soul.

"We love dogs. They are a very dear pet to us, too," said Shur Vangyi, a Fresno deputy city manager for Southeast Asian affairs. "But sometimes we have to kill dogs to cure our souls."

Moua said he had a relative kill the 3-month-old German shepherd on his front porch only after two years of other rituals, including burning of money and sacrificing chickens and a pig, failed to help his wife, a diabetic. The ritual included the chants of the Laotian highlands.

It's not the first sharp cultural difference between the local Hmong community and other residents of Fresno, a conservative farm community.

In 1990, nine Hmong children died of measles after their parents consulted shamans and waited until the children were in cardiac arrest before taking them to a hospital.

That same year, the parents of a 6-year-old Hmong boy ignored court orders to let doctors operate on his club feet. A shaman told the family that the handicap was meant to atone for an ancestor's sins and that surgery would bring those sins on the next generation.

— *Arizona Republic*, December 19, 1995

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Linda H. Thom is a budget analyst in the Office of the County Administrator, Santa Barbara, California. Elton Gallegly represents a district next to Santa Barbara in Congress and leads an effort to stem illegal immigration. The views expressed in this letter are solely those of the author.

Do We Really Need Guest Farmworkers?

An Open Letter to Representative Elton Gallegly

By Linda Thom

I understand that you support a guest worker program. I hope to convince you that such a proposal is a bad idea for the people you represent in Ventura County. I do not know much about agriculture but I do know a great deal about immigration and its effects on California. The facts are abundant and clear.

Immigrant agricultural workers are poor. Many have moved here with their families and have a significant negative socio-economic impact on the communities where they work and reside. Your neighboring county to the north, Santa Barbara, is where I live and work. I am a budget analyst in the Office of the Santa Barbara County Administrator. While I do not speak for Santa Barbara County, I do have access to data and I do understand public finance and public programs. This letter contains data on Ventura, Santa Barbara, Monterey and Tulare Counties because they all have large agricultural industries. Obviously I have more data from Santa Barbara County available to me.

Is There a Shortage of Farmworkers?

First, I repeatedly hear that a shortage of farmworkers exists. Perhaps growers in Ventura are telling you that we need a guest worker program because there are not enough farmworkers. There is, in fact, an abundance of farmworkers in Ventura County. Santa Barbara County Job Training Network recently received a Job Training Partnership Act grant of $511,605. The purpose is to retrain farmworkers for the tri-counties of Ventura, Santa Barbara and San Luis Obispo Counties. The application states in part, "Since IRCA was passed in 1986 the ranks of farmworkers has dramatically increased. ...The population eligible to receive these benefits [unemployment insurance] is estimated to exceed 76,500 workers [in the tri-counties]."

As the grant is for $511,605 to retrain 84 farmworkers, the cost is $6,091 per worker. To retrain all 76,500 workers in the three counties would, therefore, cost $466 million and that is just three counties in the whole nation. I understand from the Center for Immigration Studies that the Department of Labor has $82 million available nationally to retrain unemployed agricultural workers. If there are 76,500 unemployed farmworkers in three counties and only $82 million to retrain farmworkers for the whole nation, why would we want to add more guestworkers to the current oversupply of farm labor helping to insure the continued unemployment of the people who already live here?

As you may know, in Santa Barbara County the majority of labor-intensive agriculture is in the Santa Maria Valley, and the biggest employers of seasonal labor are the strawberry growers. Currently, broccoli, strawberries, grapes and avocados are Santa Barbara's top crops. All these crops are labor intensive and most of it is seasonal. In an April 1993 survey of growers conducted by the University of California Cooperative Extension Service and published in *Central Coast Agriculture Highlights*, the harvest rates ranged between $4.50 and $5.00 per hour for strawberry pickers. If a worker was employed full time at $5 per hour, his or her annual earnings would be $10,400. These workers are not employed full time, however. They are seasonal.

The article on wages also stated, "More important, growers also indicated the labor problems encountered: 1. high turnover (33%); 2. insubordination (22%); 3. higher unemployment tax rates (22%); 4. absenteeism

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(17%)." Apparently farmworkers, whether legal or illegal, do not think much of these jobs; nevertheless, Richard Quandt of the Western Grower-Shipper Vegetable Association stated last year in a public forum that illegal aliens comprise 50 percent of the agriculture work force in Santa Maria. Perhaps if wages and work conditions were better, fewer labor problems would occur and fewer illegal aliens would be needed because legal residents would be willing to perform all the available work.

Some suggest that guest workers could solve a labor shortage caused by too few citizens willing to work in agriculture. Guest workers would come from Mexico and then go home after the season ends. The trouble is that they do not go home. Moreover, they bring their families with them. What penalty exists for them if they bring their families? None. A proposal is currently circulating that they would be paid in their home country with the logic that they will have to go home to get their money. With the current porous nature of our borders, what is to keep them and their families from returning? With the current economic and political crisis in Mexico, every incentive exists to head north.

"[Farm workers] ... do not go home. Moreover, they bring their families with them."

Further, why would illegal aliens stop coming and why would they stop bringing their families with them? And why would growers quit hiring illegal aliens? Employers get a 4-percent-of-payroll benefit from hiring illegal workers. How does this happen? Unemployment insurance rates for employers are based on the number of workers who have filed for unemployment. The difference in rates is 4 percent. That is, if an employer has few workers who file claims, then that employer's unemployment insurance rates are 4 percent lower than another employer who has a high incidence of unemployment claims. Illegal aliens are not eligible for unemployment benefits, therefore a laid off illegal alien does not count against the employer. Of course, this applies to all employers of illegal aliens, not just agricultural employers, but the nature of seasonal agriculture is such that there are many layoffs so this constitutes a significant incentive to hire illegal aliens.

All of these are mere details. The most important factor in the farm labor supply equation is the nature of California agriculture. *Vision 2010: California Agriculture* by the California Department of Food and Agriculture (1990) puts it this way:

> *California agriculture has mechanized many tasks ... but labor demand is still high because acreage of the most labor-intensive crops — fruits, berries, vegetables, and grapes — has been increasing. ...California agriculture must hire some 900,000 workers each year to bring in its rich harvest of crops. But two thirds of them will do farm work for only a few weeks out of the year. When they are needed, as during the peak summer and fall harvests, they are needed badly. Only about one third have stable, year-round jobs on farms and ranches. Many follow the crops from area to area and state to state. ...An increasing number have settled down to stay in one area and supplement farm work with what other jobs may be found."*

What does this mean? Growers have a large labor surplus made possible by the passage of the 1986 Immigration Reform and Control Act (IRCA) and the continuing flow of illegal aliens across our borders. This labor surplus has made possible the conversion of their crops from low-labor intensive, less profitable crops to high-labor intensive, very profitable crops such as strawberries. The low paying, seasonal jobs and abundant labor supply guarantee poverty among the farmworkers.

And what does "not enough workers" mean? It means that growers want 300 workers for one day, then 500 the next, then after one week, they do not want any at all. When do they want the workers? — when the strawberries need to be picked. When is that? Growers do not know. So what is "enough" in the eyes of the growers? 500 workers, not on the payroll, not in grower-owned housing, waiting around to work on the day the growers want them to work, which may be tomorrow or next week or two weeks from now. Would there be "enough" workers if growers provided housing and wages until the crop is ready to pick? I think so. What would happen if growers converted to less labor intensive crops which they grew prior to the passage of IRCA? They would make smaller profits. They do not want to do that. They want politicians to

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Table 1
Ethnic/Racial Composition of Santa Maria-Bonita School District Enrollment
Change from 1990 to 1995

Year	Native Am	Asian/Pac.Is.	Hispanic	Black	White	Total
1990-91	89	481	5,668	211	2,455	8,904
1994-95	102	453	7,012	219	1,945	9,735
Change	13	-28	1,344	8	-510	831

Source: California Basic Educational Data System, Enrollment in Public Schools of Santa Barbara County, County Education Office

guarantee them "enough" cheap, third-world laborers, so they can continue as at present.

What is the price of this? Guaranteeing growers "enough" farmworkers may be good for the growers but the effects on the workers and the local communities are devastating.

Local Socio-Economic Effects

As stated previously, strawberries are one of the top crops in Santa Barbara County. Santa Barbara has not always grown so many strawberries. According to a *Santa Maria Times* series on strawberries in May 1995, between 1986 and 1993, strawberry acreage went from 1,850 to 6,744; that is almost a four-fold increase in acreage. Strawberries are immensely profitable but they are risky and growing them is only possible if a huge supply of farm labor exists at the time the berries need to be picked. The only way to guarantee this is to have hundreds in reserve waiting around for employment. You can see, then, that your and my definition of "enough" is quite different from the growers' definition of "enough." The passage of IRCA supplied enough labor (as the 76,500 unemployed farmworkers demonstrate) and growers converted their fields from low labor intensity crops which were less profitable to big ticket strawberries.

The legal immigrants and the illegal aliens came with their families and settled. The image of single males who return to their families across the border at season's end no longer describes the majority of the farm work force. "According to figures provided by the Santa Maria-Bonita School District, the number of children of migrant farm workers in Central Coast schools has ballooned since the mid-1980's, now accounting for more than one-third of all students" (*Santa Maria Times*). Many of the families are not migrant at all. They live in Santa Maria and Guadalupe. The numbers tell the story. Table 1 shows the ethnic and racial composition of school enrollment change for Santa Maria-Bonita Elementary School District between 1990-91 and 1994-95.

According to California Department of Education data (CBEDS), in these four school years the number of enrolled students increased by 831, Hispanic students increased by 1,344, while the number of white students declined by 510. Note that in the 1994-95 school year 72 percent of the students were Hispanic. In the same four-year period, the number of children on the federal lunch program increased by 1,819, and out of 9,735 children enrolled, 7,263 or 75 percent participate in the lunch program according to the Santa Barbara County Department of Social Services. In the 1994-95 school year, 44 percent of the children in Santa Maria-Bonita School District did not speak English.

"The image of single males who return to their families across the border at season's end no longer describes the majority of the farm work force."

In the 1994-95 school year, in the Guadalupe School District, 93 percent of the students were Hispanic. Eighty-eight percent participated in the federal lunch program, and in the 1993-94 school year, 56 percent did not speak English. As Santa Maria and Guadalupe are the heart of the agricultural industry in Santa Barbara County, one must conclude that

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Table 2
Change in School Enrollment and Limited English Proficiency (LEP) Students
Monterey, Santa Barbara, Tulare and Ventura Counties, 1988 to 1995

County	School Yr. 1988-89	School Yr. 1994-95	Change
Monterey Enrollment	56,782	61,844	5,062
LEP Students	12,921	20,341	7,420
LEP students accounted for 147% of the enrollment increase between 1988-89 and 1994-95.			
Santa Barbara Enroll.	50,536	58,533	7,997
LEP Students	7,692	14,410	6,718
LEP students accounted for 84% of the enrollment increase between 1988-89 and 1994-95.			
Tulare Enrollment	67,325	81,126	13,801
LEP Students	8,848	18,930	10,082
LEP students accounted for 73% of the enrollment increase between 1988-89 and 1994-95.			
Ventura Enrollment	111,328	120,733	9,405
LEP Students	12,899	23,732	10,833
LEP students accounted for 115% of the enrollment increase between 1988-89 and 1994-95.			

Source: California Department of Education

farmworkers, many of whom are immigrants, caused the Hispanic enrollment increase and the increased poverty as demonstrated by the increase in the subsidized lunch program.

Santa Barbara County draws immigrants to its southern area also, where many low-skilled service jobs exist in the tourist industry. Again, the numbers tell the story. Some statistics for the whole county demonstrate increasing numbers of limited English proficient students (LEP). Table 2 also includes data for Monterey, Tulare and Ventura counties (CA Dept. of Education). As you probably know, Ventura and Monterey have mixed economies but Tulare is heavily agricultural.

Are these added students poor? Yes, they are and the state income tax numbers tell that story. Table 3 shows the change in Ventura County, between 1987 and 1992, in the number of income tax returns filed and in the number of dependents claimed by income range (California Franchise Tax Board Annual Reports).

- Returns increased in the below-$10,000 and above-$50,000 income categories. The middle class returns declined.
- On incomes below $10,000, returns increased by 4,109 of the total 4,886 added returns for the county and accounted for 84 percent of all the added returns.
- On incomes below $10,000, dependents increased by 19,752 of the total 22,767 added dependents and accounted for 87 percent of all the added dependents claimed.
- On incomes between below $20,000, there were 2,266 added returns and 27,154 added dependents, 12 added dependents per added return.

Santa Barbara and Monterey Counties' distributions of change look a little better than Ventura's but they started with more poverty. Tulare County's distribution of change almost exactly reflects Ventura's. Unfortunately for Tulare County, in 1992, 44.2 percent of all dependents claimed were on income tax returns with less than $10,000 income. According

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Table 3 Changes in State Income Tax Returns Filed and Dependents Claimed Ventura County, 1987 to 1992		
Income Range	**Change, Tax Returns Filed**	**Change, Dependents Claimed**
Less than $10,000	4,109	19,752
$10,000 to $19,999	-1,843	7,402
$20,000 to $29,999	-1,887	-1,200
$30,000 to $39,999	-3,728	-6,374
$40,000 to $49,999	-2,367	-6,008
$50,000 to $99,999	6,576	4,862
Over $100,000	4,026	4,333
Total Change, Ventura County	4,886	22,767

Source: California Franchise Tax Board Annual Reports, 1988, 1993

to the Assistant County Administrator of Tulare, as of fiscal year 1995-96, one third of the county population is on welfare! Tulare County ranks second in the state after Fresno in the total value of agricultural production — and have you been to Fresno lately?

"Unfortunately for Tulare County... [in] fiscal year 1995-96 one third of the entire population of the county is on welfare!"

Did all of these poor children come from other countries? No. Long time agricultural counties such as Fresno and Kern have many second generation immigrants who work in agriculture. Tulare has many second generation farm workers also. However, many immigrants and illegal aliens were here in 1987 and after IRCA passed in 1986, they brought in their dependents from outside the state and moved to areas where unskilled jobs, such as in agriculture, were increasing. Ventura, Santa Barbara and Monterey Counties fall into this group.

In addition, many legal immigrants and illegal aliens are having babies here and as you know well, they are United States citizens at birth. In 1993, 40 percent of Ventura County births were to foreign-born women; 42 percent in Tulare; 45 percent in Santa Barbara and 50 percent in Monterey. For the state as a whole, 45 percent of the births were to foreign-born women (CA Dept. of Health, Birth Records).

If the parents are legal but poor immigrants who have applied for amnesty under IRCA, the family qualifies for Aid to Families with Dependent Children (AFDC). But if the parents are illegal aliens, only the US-born children qualify for AFDC and they are counted in the "child-only" caseload. According to Governor Wilson's Summary Budget for 1994-95, about 10 percent of the child-only cases have caretaker adults who are recipients of Supplementary Security Income (SSI) or they are non-parent relatives. Ninety percent of the child-only cases have parents who are ineligible for aid based on immigration status. The child-only cases between 1985 and 1992 accounted for almost half of California's caseload increase. After 1992, illegal aliens who applied for amnesty started to qualify for AFDC. Recall that they had a waiting period before they could apply. The "experts" said that the number of child-only cases would decline and the number of whole families on assistance would increase. This would only be true if illegal aliens quit coming and having babies. I am sorry to say that the number of IRCA-amnesty families on AFDC has increased, and the number of illegal aliens having babies has increased also, because illegal aliens continue to arrive.

Aid to Families with Dependent Children-Unemployed (AFDC-U) cases are comprised of two-parent families. AFDC-Family Group (AFDC-FG) are

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Table 4
Change in AFDC-U, AFDC-FG & Child-only cases between October 1986 and October 1992

County	AFDC-U Change	Child-Only Change	Change in Child-only cases as a % of all AFDC-U cases	Child-only increase as a % of all AFDC-U caseload increase
Monterey	230	173	14% to 30%	75%
Santa Barbara	707	287	14% to 32%	41%
Tulare	1,514	955	10% to 33%	63%
Ventura	572	351	9% to 32%	61%
	AFDC-FG			
Monterey	1,922	1,030	16% to 28%	54%
Santa Barbara	1,781	554	13% to 20%	31%
Tulare	3,652	1,498	15% to 23%	41%
Ventura	1,767	1,503	12% to 28%	85%

Source: California Department of Social Services

single-parent families and these cases account for about 83 percent of the total cases in the state. For agricultural counties, the child-only cases have exploded. The increase is especially large in the AFDC-U caseload but it is also bad in the AFDC-FG caseload. In tracking the AFDC-U, child-only cases in Santa Barbara County, the Spanish-speaking caseload increase is almost identical to the AFDC-U child-only caseload. When graphed, the cases go up and down together and they coincide with the agricultural season (Schultz, Santa Barbara County Administrative Office). This means that the parents are out of work and they do not qualify for unemployment insurance, but their citizen children qualify for AFDC which is clearly supporting the whole family during the off season. AFDC has become a substitute for unemployment insurance. Employers have to pay for unemployment insurance — the public pays for AFDC.

Table 4 shows the changes in AFDC-U, AFDC-FG and child-only cases for Monterey, Santa Barbara, Tulare and Ventura Counties for the period October 1986 to October 1992 (CA Dept. of Social Services).

Please note, Representative Gallegly, that in Ventura County, the number of AFDC-U, child-only cases comprised 9 percent of the caseload in 1986, and by October 1992 they comprised 32 percent of all cases and made up 61 percent of the increased cases in that period. The AFDC-FG, child-only cases, accounted for 85 percent of the caseload growth. This demonstrates that illegal aliens are here with their families. Why would they go home or quit coming?

"For the state as a whole, 45 percent of births were to foreign-born women."

That is bad enough, but the Medicaid caseload change is worse. Between July 1987 and July 1994, the Spanish-speaking, Hispanic caseload increased from 550 cases to 6,845 cases for a 1,145 percent increase and accounted for 64 percent of all the added cases in this period. In both the AFDC and Medicaid caseload increase, the North County agricultural area increased more than the South County, where low-skilled jobs are mainly in the service industry.

The same is true for Santa Barbara County.

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Table 5 Change in Adult & Juvenile Felony Arrests by Race and Ethnicity Santa Barbara County, 1986 to 1992				
Adult Arrest Change	White	Hispanic	Black	Other
807	-26	681	149	3
Percent of all change	-3%	84%	18%	0%
Juvenile Arrest Change	White	Hispanic	Black	Other
269	-101	337	20	13
Percent of all change	-38%	125%	7%	5%

Source: California Department of Justice, Criminal Justice Profiles
Unpublished data, available from the Bureau of Criminal Statistics

According to Santa Barbara County Department of Social Services data, between July 1987 and July 1994 the Spanish-speaking, Hispanic AFDC caseload increased from 372 cases to 1,666 cases for a 348 percent increase and accounted for 41 percent of all the AFDC caseload increase in this period.

"Cheap labor is too expensive."

Representative Gallegly, I know the horse is dead but I am going to beat it one more time. The crime statistics are deplorable. Table 5 shows the change in adult and juvenile felony arrests by race and ethnicity for the period 1986 through 1992. Santa Barbara County data are derived from the California Department of Justice figures.

Crime statistics for the state show generally the same trends except that the category "other," which is mostly Asian/Pacific Islander, shows larger increases in crime in the state because Santa Barbara has a relatively smaller population of Asians compared to the state as a whole.

Conclusion: Cheap Labor Is Too Expensive

The *Vision 2010: California Agriculture* report states,

> *At present, nothing indicates that California agriculture's need for workers, and for hand labor, will diminish substantially by the year 2010. Not, certainly, if the irrigated high-value specialty crops continue to be so important. ...It is reasonable to assume, however, that agriculture will face a less abundant supply of labor. Farmers and ranchers may respond to that situation by offering workers better terms of employment. But labor cost is a major expense. California growers are in competition with others around the world who pay far lower wages and far fewer benefits such as pensions and insurance. The question then arises, how far can California growers afford to go in order to assure their labor supply?*

Have growers offered workers better terms of employment? No. Instead, growers have convinced many politicians that they need more workers in the form of a guest worker program. If growers must rely on ever increasing sources of third-world labor, what advantage is there to the surrounding communities to subsidize this by picking up the tab in the form of schools overcrowded with impoverished children, increased crime and burgeoning welfare caseloads?

We cannot win a competition for cheap labor with third world countries. Moreover, this is a race to the bottom that we do not want to win. Let us tell employers to mechanize, convert back to less labor intensive crops or go out of business. We cannot afford any more poor, immigrant farmworkers.

Cheap labor is too expensive. ■

[Editor's Note: For a related article on strawberry farming, see the reference to "In the Strawberry Fields" by Eric Schlosser on page 156 of this journal.]

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Judicial Sabotage of Prop. 187

By Bruce Fein

Constitutional reasoning is an exceptionally elastic discipline. As Judge Learned Hand observed, the text of the Constitution and interpretive doctrines fashioned by the United States Supreme Court are weak barriers against judicial smuggling of personal biases into constitutional rulings. A prime example is the decision of United States District Judge Mariana R. Pfaelzer in *LULAC vs. Wilson* (Nov. 20, 1995) holding unconstitutional the major cornerstones of California's Proposition 187, a measure calculated to reinforce the prevailing congressional attack on illegal immigration.

Judge Pfaelzer brandished the doctrine of congressional preemption to reach bizarre conclusions. Generally speaking, the preemption doctrine prohibits state laws that would defeat or materially interfere with a federal policy. In *LULAC*, the mandates of Proposition 187 that state law enforcement officials cooperate with the federal Immigration and Naturalization Service in the identification and deportation of illegal aliens were held to war with congressional desires — in other words, that Congress exulted in circumvention of its immigration laws.

Section 4 of Proposition 187 requires state law enforcement agencies to verify the legal status of every arrestee suspected of undocumented status through interrogation, and a demand for documentation. If verification is not forthcoming, the arrestee must be informed of his apparent illegal status, and the necessity of either legalizing his presence or departing the country. State agencies must further notify the Attorney General of the United States and the INS of suspected illegal aliens, and must cooperate fully with federal officials in the enforcement of federal immigration laws.

Section 9 of the proposition directs the California Attorney General to alert the INS of all reports received from state agencies pertaining to persons who are "suspected of being present in the United States in violation of federal immigration laws." Companion sections require state agents to question all applicants for medical and social services, students, and parents of students about their immigration status; to obtain and examine pertinent documents; and, to report suspected illegal aliens to state and federal authorities.

Unless they are creatures who have been hibernating for several years, can there by any reasonable doubt that the overwhelming majority in Congress welcomes state initiatives like Proposition 187 insofar as they strengthen the enforcement of federal immigration laws? It seems safe to presume that Congress wishes its laws against illegal aliens to be honored more in the observance than in the breach. Recently Congresses have tightened laws against illegal immigration and bolstered the federal enforcement arsenal by increasing border patrol agents and endorsing a proto-Chinese Wall in the proximity of the Mexican border. Congressional hectoring also prompted the INS to streamline the process for adjudicating asylum claims to deter evasion of immigration restrictions; and, members generally cheered the interdiction of would-be immigrants form Haiti and Cuba on the high seas ordered by Presidents George Bush and Bill Clinton. The congressional ensemble against illegals also includes ineligibility for Aid to Families with Dependent Children, Food Stamps, Medicaid, and Unemployment Compensation.

"It seems safe to presume that Congress wishes its laws against illegal aliens to be honored..."

Judge Pfaelzer insisted, nevertheless, that Congress intended to prevent states from assisting in the identification, apprehension and deportation of illegal aliens, an obtuseness that verifies Justice Oliver Wendell Holmes' quip that judges need education in the obvious. Judge Pfaelzer was unable to marshal a single reason to believe Congress would deplore such

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assistance. She also declined to suggest that federal foot soldiers fighting the tides of illegal immigration, like King Henry V before Agincourt, would rejoice over the absence of state reserves to make their success stories all the more heroic. Judge Pfaelzer, an aspiring Ursa Major of the law, relied solely on a wooden application of the Supreme Court precedent in *De Canas vs. Bica* (1976).

In that case, the High Court upheld a California law prohibiting the knowing employment of illegal aliens when federal legislation was silent on the issue. In passing, the Court noted that state laws that "regulate immigration" are ordinarily preempted because the Constitution entrusts that power exclusively to Congress. But contrary to Judge Pfaelzer's whimsy, the law enforcement cooperation provisions of Proposition 187 do not "regulate" immigration, they simply fortify the regulatory edifice erected by Congress. If federal immigration authorities do not want the enforcement assistance of California (a proposition that encroaches on the domain of incredulity), then they may effortlessly throw state reports of suspected illegals in the trash can. Judge Pfaelzer seems to have forgotten that the Constitution was conceived in the Age of Enlightenment, not during the Dark Ages.

Proposition 187 also excluded illegal aliens from a host of publicly funded social services, including non-emergency health care and elementary and secondary schooling. Judge Pfaelzer generally condemned the exclusion by a casuistical interpretation of a cluster of federal welfare programs to require coverage of illegals. But that condemnation imputed schizophrenia to Congress — that it simultaneously wished to exclude and to entice illegal immigrants — a highly disfavored canon of statutory construction.

Judge Pfaelzer's sabotage of Proposition 187 should prompt Congress to enact legislation instructing jurists to desist from interpreting federal immigration laws to preempt state efforts to bolster federal enforcement and deterrence programs, unless there is an irreconcilable conflict between the two. Otherwise, judges unsympathetic to strict immigration controls will continue to confound congressional will and sound constitutional doctrine. ■

Presidential Candidate Forbes on Population Growth Does He Get Your Vote?

In the April 28, 1986 issue of *Forbes Magazine*, of which he listed as Deputy Editor-in-Chief, Malcolm Steven Forbes, Jr. discussed population growth by saying:

"A recent study for the Agency for International Development put forward the usual bromides about the curse of population growth for developing countries and the need for U.S. support for family planning programs overseas....

"For years population 'experts' have had it as an axiom that rapid population growth was ruining the economies of poorer nations. Now a more realistic and optimistic view is beginning to emerge: people are not the problem, bad economic policies are. When a country becomes more prosperous, birth rates fall. Prosperity creates the climate for smaller families....

"As people become better off, the population 'problem' takes care of itself. As this idea gains currency, policymakers will devote more intellectual effort to more effective policies for promoting economic growth."

— The KZPG Population News Network <KZPG@iti.com>

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Samuel Francis is a nationally syndicated columnist. © 1995, this item is reprinted with the permission of Tribune Media Services, Inc.

Judicial Power Protects Elites, Not People

By Samuel Francis

Once more into the breech waddles a federal judge to thwart the people's will. This time, in California, an unelected magistrate, U.S. District Judge Mariana Pfaelzer, has decreed that most of California's Proposition 187 violates the Constitution. In doing so she not only swings the sword of the state at the Constitution itself but also stabs it into the breast of the nation's rising resistance to unchecked immigration.

Prop. 187, of course, is the state referendum that denied welfare benefits to illegal immigrants. It passed overwhelmingly last year (by 60 percent), despite the opposition of the national media, the Mexican government, the immigration lobby, Jack Kemp and Bill Bennett and other assorted hooligans who threatened violence against its organizers.

But aside from its effect on illegal immigration, Prop. 187 was mainly significant because it represented a major victory of the people over the elites. The elites, as usual when they lose a round, were not happy, and Judge Pfaelzer's ruling reflects their displeasure.

Judge Pfaelzer says 187 is unconstitutional because immigration control is the business of the federal government. Therefore, when states like California try to exclude illegal immigrants from public benefits, they tread on the toe of the federal leviathan. You know what that means. It's just not done.

The logic of Judge Pfaelzer is a wonder, even for federal judges. Yes, her premise is true. Regulation of immigration has been the business of the federal government since the 1840s, when the U.S. Supreme Court ruled in a series of decisions known as the Passenger Cases that the federal government rather than the states had jurisdiction over immigration under the Constitution's commerce clause. No problem.

But the point is that 187 says nothing about who can enter the country. It merely says that those immigrants who have violated federal law to enter can not receive state benefits. In other words, it does not violate the federal government's right to control immigration but acknowledges it. To claim it intrudes on the rights of the leviathan is to confuse regulating public benefits (the law's purpose) with regulating immigration. But logical reasoning has never been the strong suit of federal judges. More important is what the decision could mean for similar grassroots measures against uncontrolled immigration.

If, as Judge Pfaelzer holds, the states cannot control the benefits illegal immigrants receive, then the efforts in other states (Florida is a main example) to enact laws similar to 187 have been gutted. All is not lost, however, because there remain the people themselves.

There is a cliché to the effect that the Supreme Court follows the election returns. In the case of Judge Pfaelzer, she obviously doesn't. Deliberately thwarting the people's will as registered in election returns can be dangerous business for the courts, because these days we are witnessing some rather unusual elections, and not all that many office holders return from them.

"But aside from its effect on illegal immigration, Prop. 187 ... represented a major victory of the people over the elites."

They don't return because the people are not happy — with immigration, affirmative action, taxes, trade, the economy, gun control, schools, crime, foreign policy and, not least, office holders, including judges. Having thrust a sword at the throat of the new populism, Judge Pfaelzer and her colleagues on the benches may soon find that the people carry a sharper sword, and before the battle is done, it may be her

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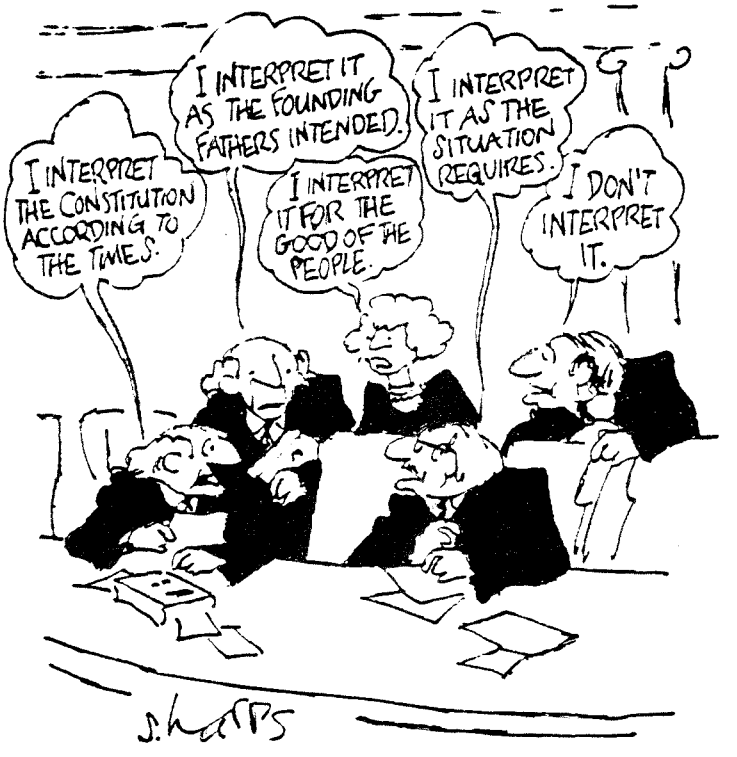
head and those of other judges that roll on the floor.

The trick of using unelected courts to declare popularly enacted laws unconstitutional is not a new one, of course. In a new and learned book, *Judicial Dictatorship*, University of South Carolina law professors William J. Quirk and Randall Bridewell point out that the trick goes back to the founding itself.

"From (Alexander) Hamilton to (Michael) Kinsley," they write, "The elite's central belief is that the people are such poor clay that it is ridiculous to try to follow Jefferson's 'mother principle' [that 'governments are republican only in proportion as they embody the will of the people, and execute it']. The elite doesn't want a government that embodies the will of the people. They think it would be ugly."

Judge Pfaelzer's ruling is a classic illustration, though no more so than dozens of similar rulings that have smothered popularly supported laws. The elites that have seized power — in business, in government, the media, both political parties and the judiciary — think it is "ugly" to control immigration.

But what is really ugly is that Americans have lost control of their own government and their own laws and even their capacity to make laws that embody their own will. Judge Pfaelzer's ruling is only the most recent reason they should take all of it back. And they can start taking it back when they strip judicial elites of their power to strangle laws that embody the people's will. ■


I INTERPRET THE CONSTITUTION ACCORDING TO THE TIMES.
I INTERPRET IT AS THE FOUNDING FATHERS INTENDED.
I INTERPRET IT FOR THE GOOD OF THE PEOPLE.
I INTERPRET IT AS THE SITUATION REQUIRES.
I DON'T INTERPRET IT.
J. Harris

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Update on 'Official English'

By Robert D. Park

In the last issue of this journal I reported on the *en banc* decision of the U.S. Ninth Circuit Court of Appeals in the *Yniquez* case, which challenged the constitutionality of the 1988 initiative in Arizona that made English the official language of that state. The judges held 6-5 that state employees have a First Amendment free speech right to use any language of their own choosing in the discharge of their duties on behalf of the state. This is true, held the court, even if the employee's supervisor cannot understand that language.

Under this ruling it would presumably be possible for a state employee to use any of the 300-plus languages besides English that the U.S. Census Bureau reports are spoken in the United States. We thought you would like to see that listing. How many of these languages have you heard of before?

My request (I am the sole defendant in this case) to the U.S. Supreme Court to review this matter was filed on December 20, 1995. I hope to have the court's decision some time in the next two or three months.

[Tax-deductible contributions are urgently needed to help underwrite the costs of this court action. These can be sent to English Language Advocates, 316½ E. Mitchell St., Petoskey, MI 49770, earmarked for the *Yniguez* case.]

Indo-European Languages
Afrikaans
Albanian
Armenian
Assamese
Balochi
Bengali
Bielorussian
Bihari
Bulgarian
Cajun
Catalonian
Croatian
Czech
Danish
Dutch
Fradese
French
French Creole
Frisian
German
Greek
Gujarathi
Gullah
Hawaiian Pidgin
Hindi (Urdu)
Icelandic
Irish Gaelic
Italian
Jamaican Creole
Kashmiri
Krid
Kurdish
Ladino
Lettish
Lithuanian
Lusatian
Luxembourgian
Macedonian
Marathi
Nepali
Norwegian
Oriya
Panjabi
Papia Mentae
Pashto
Patois
Pennsylvania Dutch
Persian
Pidgin
Polish
Portuguese
Provencal
Rajasthani
Rhaeto-Romanic
Romany
Rumanian
Russian
Sanskrit
Saramacca
Scottic Gaelic
Serbian
Serbocroatian
Simohi
Sinhalese
Slovak
Slovene
Spanish
Swedish
Ukrainian
Welsh
Yiddish

Asian and Pacific Island Languages
Achinese
Azerabaijani
Balinese
Bikol
Bisayan
Brahut
Burmese
Carolinian
Chak
Chamorro
Chinese
Dravidian
Fijian
Formosan
Fuchow
Gilbertese
Gondi
Hakka
Hawaiian
Ilocano
Indonesian
Japanese
Javanese
Kachin
Kamnada
Karachay
Karen
Kazakh
Kirghiz
Korean
Kurukh
Kusatean
Malagasy
Halay
Malayalan
Mandarin
Madri
Marquesan
Marshallese
Melanesian
Miao (Hmong)
Miao-Yao
Micronesian
Minangkabau
Mokilese
Mon-Khmer (Cambodian)
Mongolian
Munda
Muong
Miuean
Mukuoro
Palau
Paleo-Siberian
Pampangan
Pangasiman
Polynesian
Pohapean
Samoan
Sebuako
Sundanese
Tagalog
Tamil
Telugu
Thai (Laotian)
Tibetan
Tokelauan
Tongan
Trukese
Tungus
Turkish
Turkhen
Uishur
Ulithean
Vietnamese
Moleai-Ulithi
Mu
Yapese

Native North American Languages
Achumami
Ahtena
Alabama
Aleut
Algonquian
American Indian
Apache
Arapaho
Arikara
Athapascan
Atsina
Blackfoot
Caddo
Cahuilla
Cayuga
Chasta Costa
Chemehuevi
Cherokee
Chinook Jargon
Chiricahua
Chimere
Choctaw
Clallan
Cocomaricopa
Coeur d'Alene
Columbia
Comanche
Cree
Cupeno
Dakota
Delaware
Delta River Yuman
Diegueno
Eskimo
Foothill No. Yokuts
Fox
French Cree
Haida
Han

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Havasupai
Hibatsa
Hopi
Hupa
Inupik
Iroquois
Jicarilla
Kalispel
Kansa
Karok
Keres
Kickapoo
Kiowa
Kiowa-Apache
Klamath
Koasati
Koyukon
Kuchin
Kutenai
Kwakiutl
Luiseno
Makah
Mandan
Menomini
Miami
Micmac
Mikasuki
Mohave
Mohawk
Mono
Mountain Maibu
Muskogee
Navaho
Nez Perce
Nootsack
Northern Patute
Ojibwa
Okamogan
Omaha
Oneida
Onondaga
Osage
Other Athapascan-Eyak
Ottawa
Patute
Passamaquoddy
Pawnee
Penobscot
Picuris
Pina
Pono
Ponca
Potawatomi
Puget Sound Salish
Guapam
Quinault
Sahaptian
Salish
San Carlos
Sandia
Seneca
Serrano
Shastan
Shawnee
Shoshoni
Sierra Miwok
Siuslaw
Spokane
St. Lawrence Is.
Tachi
Tamaina
Tema
Tilanook
Tiwa
Tlingit
Tonkawa
Towa
Tsinshian
Twana
Upper Chehalis
Upper Chinook
Ute
Walapai
Washo
Wichita
Winnebago
Winton
Yaqui
Yavapai
Yuchi
Yuki
Yuma
Yupik
Yurok
Zuni

Other Languages

African
Akharic
Arabic
Arawakian
Aykara
Aztecan
Bantu
Basque
Berber
Caucasian
Chadic
Chibchan
Cushite
Efik
Estonian
Finnish
Fulaki
Gur
Hebrew
Hungarian
Khoisan
Kru
Lapp
Mande
Mapuche
Mayan Languages
Hbum (and related)
Misumalpan
Nilo-Hamitic
Milo-Sharan
Milotic
Nubian
Other Uralic Lang.
Oto - Manguen
Quechua
Saharan
Sonoran, Nec
Sudanic
Swahili
Syriac
Tarascan
Tupi-Guarani

Source: 1990 U.S. Census, Table: "Language Spoken at Home and Ability to Speak English for Persons 5 Years and Over" Bureau of the Census, Document: CPH-L-133

On American Unity

The national origins controversy boils down to this: is there such a thing as "the United States"? Do the American people have a culture which unites them as a nation? If we are to judge by results, the answer to these questions has to be "yes." There is something about America which has made it great and strong, and which has made it and kept it free, although — in my opinion — it has nothing to do with "race" or "superiority" or "inferiority." Rather, it is a matter of basic ideology, cultural attitudes, of a common heritage. That we are a "nation of immigrants" is indeed part of that heritage, but the emphasis in that phrase is on the word "nation." We are "immigrants" who have fused into one people, with one national loyalty — to the United States of America.

— Congressman Francis Walter
Co-sponsor of the McCarran-Walter Act of 1952
in *Human Events*, April 20, 1957

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David Simcox is a former foreign service officer and was the first executive director of the Center for Immigration Studies (CIS) which he still serves as a senior fellow. He leads a think tank, Migration Demographics, headquartered in Lousiville, Kentucky.

Land of Perpetual Immigration?

A Commentary on Douglas Massey's 'The New Immigration and Ethnicity in the United States'[1]

By David Simcox

Is reducing immigration a simple matter of getting Congress to set lower limits and tighter controls and then getting the President to implement them?

Those so convinced, according to sociologist Douglas Massey, head of the Center for Population Studies at the University of Pennsylvania, are latter-day "King Canutes," futilely brandishing decrees against the tides. Immigration laws, he argues, have had only modest effects on the ebb and flow of immigration into the United States. Massey scorns equally the beliefs that the 1921 and 1924 restrictive legislation shut off the massive influx of the previous four decades or that the 1965 Act triggered today's snowballing mass migration.

The 1921 and 1924 Acts and Reduced Immigration

Massey's reasoning goes like this: the national origins quotas set in the 1920s applied only to immigrants from the Eastern Hemisphere, leaving the door open to massive migration from Latin America, particularly Mexico. But such flows did not materialize for more than 40 years. It was World War I which drastically slowed immigration from Europe during much of the 1910s. While European migration revived in the early 1920s, the absence of inflows from Russia, a major sending country before the war because of Czarist pogroms, kept overall European numbers low. The Bolshevik revolution and the emergence of a communist state had disconnected Russia from the world economy and discouraged emigration from a nation that had provided 1.6 million immigrants between 1900 and 1910.

In like fashion it was the Great Depression and World War II that kept immigration low from 1930 to well into the post-war period, not the Acts of 1921 and 1924. By the late 1940s and early 1950s demand for labor in the United States normally would have stimulated renewed immigration from Europe, but Western Europe in the 1950s was labor-short and had itself become a receiver of immigrants. Meanwhile Eastern Europe was sealed off by the Iron Curtain.

"[Massey contends] it was the Great Depression and World War II that kept immigration low from 1930 to well into the post-war period..."

The decline of European immigration set the stage for rising immigration from the Third World, which, however, was well underway before the 1965 Act passed and was in no way a result of it. Important to Massey's argument is that Latin American immigration has grown in spite of the 1965 Act's cap of 120,000 yearly on Western Hemisphere immigration, and subsequent restrictions.

The 1965 Law and Surging Immigration

Massey acknowledges that the 1965 Act unleashed "an unprecedented and entirely unexpected flow of immigrants" from Asia. Rather than easing immigration from less-favored European countries such as Italy and Poland, as ethnic Congressmen had intended, the 1965 Act's boost to family reunification along with its termination of national origins quotas combined to detonate our era's burst of self-accelerating immigration, particularly from Asia. But according to the author, at least one third of the

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remarkable surge in Asian immigration since 1970 was due, not to the 1965 Act, but to humanitarian arrangements stemming from the U.S. failure in Vietnam.

Nor can the 1965 Act be held responsible for the growth of illegal immigration since 1970, Massey claims. For that, one must look to a series of U.S. policy decisions in the post-war period such as the 1942-1964 migrant labor agreement with Mexico and the refusal to act on repeated legislative proposals since the early 1950s to ban the hiring of illegal aliens.

"Mushrooming immigrant enclaves here have become magnets to additional newcomers."

The prevailing estimates of 3.3 million resident illegal aliens in 1990 understate their effect, as they disregard illegal settlers who subsequently died or emigrated. Massey concludes that a new immigration regime began about 1970. The dramatic change reflects other formidable international and domestic forces, and only secondarily the effects of the 1965 changes.

Momentum: The Social Forces Driving Immigration Transcend Laws

The cumulative effect of these forces has been to further immunize immigration against government regulation. Migratory momentum is powered by spreading social, kinship and employment networks that increasingly tie intending immigrants to friends and relatives in the sending countries. Mushrooming immigrant enclaves here have become magnets to additional newcomers. The push of rapid population growth in the Third World, the pull of higher U.S. wages, the preference of U.S. employers for foreign workers, and the spread of the informal economy have joined forces to steadily swell both the supply of, and demand for, immigrants. Much of this is beyond the reach of U.S. law and policy, according to Massey.

The United States is becoming, in Massey's view, a land of "perpetual immigration," and sterner laws are unlikely to change this prospect.

Massey finds that the potential for Chinese immigration alone (now seven percent of all immigration) is enormous, with "chinatowns" already arising and expanding in many U.S. cities:

> *China's movement towards markets and rapid economic growth may contain the seeds of an enormous migration. ...Even a small rate of emigration, when applied to a country with more than a billion people, would produce a flow of immigrants that would dwarf (Mexico's) levels of migration. ...Social networks linking China and the United States are now being formed and in the future will serve as the basis for mass entry* (p. 649).

One notes in passing that there are reputedly more people studying English in China than *live* in the United States — easy to believe as China's population of 1.2 billion is nearly five times larger than ours (250 million).

Fatal and Flawed Analogies Between the Old and the New Immigration

Massey is not a restrictionist. He has researched Mexican migration to the United States extensively and sympathetically and written a highly regarded book on the growth of the U.S. underclass.[2] Massey's credentials insulate him from charges of racism when he concludes that the volume and relentlessness of today's immigration portend troubling consequences for future U.S. society. He validates and echoes the warnings that immigration reformers have issued for years about the profound differences between today's immigrants and those of the turn of the century, and between the United States as a receiving society today and what it was a century ago.

Massey is hardly the first social scientist to discover that these fundamental differences are making today's assimilation slower and spottier and changing the very nature of ethnicity. Absent now is the prospect for repeating the nearly 60-year hiatus in immigration that gave the United States the needed "breathing space" to assimilate four decades of turn-of-the-century mass immigration. Today, 38.4 percent of all immigrants are from one language group, Spanish; between 1901 and 1930 the largest linguistic concentration was about half that size. Massey notes that current immigrants are also more concentrated geographically within the U.S., increasing the chances for ghettoization.

Also absent today is the extensive economic growth from 1940 to 1973 that greatly eased the

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assimilation of European immigrants. Now, "the new immigrants are likely to enter a highly stratified society characterized by wide income inequality and growing labor market segmentation that will provide fewer opportunities for upward mobility" (p. 648).

More Immigration, Less Assimilation, Fragmented Ethnicity

Unlike turn-of-the-century European immigrants, today's Latin American and Asian newcomers will, in Massey's view, see their numbers continuously expanded by the perpetual addition of arrivals from abroad:

> *The rate at which ethnic culture is augmented by new arrivals from abroad will tend to exceed the rate at which new ethnic culture is created through generational succession, social mobility and intermarriage. ...The character of ethnicity will be determined relatively more by immigrants and relatively less by later generations, shifting the balance of ethnic identity toward the language, culture and ways of life of the sending society* (p. 645).

"Linguistic segmentation" is already changing the process of assimilation and lowering the economic and social costs of not speaking English. The spread of immigrant enclaves reduces the incentives and opportunities for immigrants to acquire the cultural and behavioral attitudes of Euro-American society.

For Massey, other likely outcomes of these trends are: a drift of the United States toward bilingualism and bi-culturalism, with assimilation becoming more of a two-way street; growing antagonisms along class and ethnic lines, both within and between groups; and a particularly conflict-ridden relationship between native blacks and new immigrants, including black immigrants.

Shall We Concur With Massey that Legislation is Ineffective?

I would contend that this "inevitableism" sustains a national passivity toward immigration reform.

Massey paints a grim picture of where unselective mass immigration is taking the United States, and then rejects the efficacy of legislative action, the principal avenue of rapid change open to us as a national community. He couches his sobering vision of a "Bladerunner-like" America within a larger argument that is essentially "inevitableist" — defining the wrenching transformations of immigration as basically beyond the remedy of concerted political action. Timid legislators and executive branch leaders awed by the political symbolism of immigration find comfort in such a message — and much of academe is willing to give them such solace.

Is Massey's pessimism about the efficacy of immigration law and regulation well supported in his own arguments? Few would argue that the 1920s laws were airtight or that the 1965 legislation, riddled as it was with ambiguities, did not have unintended effects. He argues correctly that European immigration demand waned largely of its own accord, and appears to assume without evidence that if it had not, U.S. restrictive legislation would not have turned it back. For example, in citing the end of massive Russian immigration after 1917, Massey seems to argue that had Russia been able to send another 1.6 million immigrants in the 1920s, as it did in the 1910s, the United States would have ignored its then newly legislated national origins quotas and admitted them.

"...this 'inevitableism' sustains a national passivity toward immigration reform."

Massey himself recognizes that the 1965 law unleashed at least two-thirds of the rising flow of Asian immigration, hardly a negligible effect. While he attributes the other one-third to U.S. refugee policy toward Vietnam, is that not a case of U.S. immigration choices expressed through specific laws and policies that had their intended effect?

Similarly, illegal immigration grew through an accumulation of unsound U.S. laws and policies, beginning with the 1942 Bracero agreement, through the rejection of employer sanctions in the 1952 Act, and the weak sanctions legislated on employers in 1986. These missteps and omissions, however, were not accidents, but deliberated official decisions to acquiesce in more illegal immigration.

The United States, through its choices of laws and regulations or the enforcement thereof, has erected the new immigration regime Massey sees as having

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emerged in 1970 and along with it has nourished the habits that Massey more ominously describes as "domestic and international forces."

The problem then is not that laws and regulations are ineffectual but that they often fail to embody a clear national will. True immigration reform is unlikely to be effectively legislated by "logrolling" — the vote-trading that results in the loopholes and calculated ambiguities that have crippled past efforts.

Laws that express an authentic and clear national consensus for urgent change have worked in the past, and can work again. ■

NOTES

[1] "The New Immigration and Ethnicity in the United States" by Douglas Massey appeared in *Population and Development Review*, Vol. 21, No. 3, September 1995, a quarterly publication of the Population Council, One Dag Hammarskjold Plaza, New York, NY 10017. Paul Demeny, Editor.

[2] See Massey, Douglas, *Return to Aztlan: The Social Process of International Migration from Western Mexico*, (Berkeley: University of California Press, 1987); also Massey, *American Apartheid: Segregation and the Making of the Underclass*, (Cambridge: Harvard University Press, 1993).

Encouraging Irredentism

BUFFALO, N.Y. — Father Paul Marx, in the Buffalo area to address the International Mother's Day Walk for Life in Niagara Falls, was the guest-homilist at St. John the Baptist parish in the suburb of Kenmore. ... [He] said America is a dying nation.

"I tell the Mexicans when I am down in Mexico to keep on having children, and then to take back what we took from them: California, Texas, Arizona, and then to take the rest of the country as well," Marx said.

— *The Wanderer*, Conservative Catholic publication
St. Paul, Minn., May 6, 1987

MEXICO CITY — "The march of Latin Americans to the United States shouldn't be understood as a wave of anger or revolutionary passion, but more as a peaceful conquest," Father Florencio M. Rigoni, assistant secretary for migration for the Mexican bishops' conference, told the Mexican newspaper *La Jornada*.

— *National Catholic Register*
November 16, 1986

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Elizabeth A. Brown is a graduate of Harvard University and former staff writer for The Christian Science Monitor. *She was raised on a dairy farm in Southeastern Michigan and has first-hand knowledge of things agricultural. She now lives in Chapel Hill, North Carolina, and is not related to the author of the book being reviewed.*

Who Will Feed China?

A Book Review by Elizabeth A. Brown

For Lester Brown, the most pressing environmental threat as we enter the 21st century is not global warming, thinning ozone, or depleted energy sources. For Brown, it's the likelihood that the earth simply will not be able to produce enough food to feed all its inhabitants.

Limits to food production are already crippling croplands around the world: water for irrigation has become scarce; additional fertilizer no longer significantly improves output; promises of bio-technology have paled; and ocean catches are on the decline.

WHO WILL FEED CHINA?
WAKE UP CALL FOR A SMALL PLANET
By Lester R. Brown
Worldwatch Institute; W. W. Norton & Co., 1995. 163 pages. $8.95.

Meanwhile, demand for food continues upward, and may skyrocket when China's 1.6 billion people (by the year 2030) begin importing massive quantities of grain. According to Brown, this will trigger an unprecedented rise in food prices that will be felt around the world, from the New York supermarket to the street vendor in Bombay. (Indeed, a preview of this phenomenon appeared in the fall of 1994 with a 30 percent increase in wheat prices due to increased demand and declining world stocks of the grain.) Rising food prices may lead to political unrest and could send a tide of migrants across national borders on a scale not seen before.

Chinese officials, naturally, are quite defensive when discussing — usually denying — author Brown's projections for their country's future grain needs. But for Brown, this is a straightforward exercise in numbers. He writes:

> *It will be tempting to blame China for the likely rise in food prices, because its demand for food is exceeding the carrying capacity of its land and water resources, putting excessive demand on exportable supplies from countries that are living within their carrying capacities. But China is only one of scores of countries in this situation. It just happens to be the largest and, by an accident of history, the one that tips the world balance from surplus to scarcity.*

Much of the material in this book appeared first in a 1994 "Worldwatch" magazine article, then in Brown's and Hal Kane's book *Full House: Reassessing the Earth's Carrying Capacity* (Worldwatch, 1994).[1] In 1994, while Chinese officials were vehemently denouncing Brown's statistics as inaccurate, grain prices in China rose 60 percent in a matter of months, inflation soared to 24 percent annually, and the Chinese government broke corn export contracts with South Korea, banned trading of rice futures on the Shanghai Commodity Exchange, and ultimately had to import a record 6 million tons of grain, mostly from the United States.

In a matter of months, China had switched from exporting 8 million tons of grain in 1993/94 to importing a net 16 million tons in trade year 1994/95 — in addition to depleting about 40 percent of its domestic grain reserves.

Apparently Brown's predictions have started to come true; even some officials in China now have credited Brown's works with turning their attention to the agriculture sector, which they'd been neglecting in their breakneck effort to industrialize.

Yet the great success of China's rapid industrialization is what Brown sees as the greatest danger to agriculture. Brown compares China to three other countries in the world that — like China — were densely populated before industrializing: Japan, South Korea, and Taiwan. As industry grew, all three countries lost vast amounts of valuable cropland to factories, warehouses, roads, parking lots, and homes.

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As incomes grew, many rural peasants left for the city, and their diets moved up the food chain. All three countries now rely heavily on imported grain.

While Brown predicts a fall in grain production in China, the United Nations' "official" projections have output increasing. This, says Brown, is because the UN doesn't take into account the heavy loss of cropland that historically has thwarted countries that were densely populated before industrializing.

China in 1990 has the same cropland per person as Japan had in 1950: 0.08 hectares (0.2 acres) per person. (For comparison, in the U.S. it is 1.3 acres per person — in 1994, 324 million acres were planted in crops for a population of 263 million.[1]) China may be huge, but only one-tenth of the land is arable, half the cropland is irrigated, and four-fifths of the grain harvest comes from irrigated land. If China's economy grows at the same rate Japan's did — with industry gobbling up farmland and citizens quickly growing wealthier, and demanding a more grain-intensive diet that would include meat and eggs — then China will need to import massive amounts of grain.

"Can anything be done to prevent the Chinese 'accident of history' from devastating the planet?"

Turning to ocean fisheries is not an option for China as it was for Japan, since oceanic catches now have begun to decline. Japan today relies on imports for 72 percent of its total grain consumption. Will China follow the path of the Japanese? Brown writes:

> *It is one thing for a nation of 120 million people [Japan] to turn to the world market for most of its grain. But if a nation of 1.2 billion [China] moves in this direction, it will quickly overwhelm the export capacity of the U.S. and other countries, driving up food prices everywhere.*

What do people around the world spend on food? As a percentage of income, people in China spend 50% on food; in Sierra Leone 65%; Sudan 61%; the Philippines 57%; Iran 53%; India 53%; Korea, 39%; Thailand 37%; Venezuela 34%; the former U.S.S.R. 30%; South Africa 28%; Italy 26%; Germany 21%; Japan 20%; France 16%; Sweden 15%; the United Kingdom 12%; and the U.S.: an astonishingly low 9%.[3]

Clearly the impact of rising food prices will differ among nations.

The sheer numbers of China's projected demand are daunting. By 2030, notes Brown, China's grain (rice, corn, wheat) production will fall by at least 20 percent — from 340 million tons in 1990 to 272 million tons by 2030. This is due to loss of cropland, even figuring in some increase in yield on the remaining land.

Brown presents two scenarios for demand, one without, the other — more likely, he says — with rising demand for a diversified diet including meat, eggs, fish, beer, sugar, vegetable oil, and other products dependent on grain. Both possibilities far outstrip projected supply and the current available exports (in 1990) of 200 million tons.

Assuming no change in the current diet, China's demand for grain by 2030 could be as little as 479 million tons; this would leave a shortfall of 207 million tons, roughly equal to *total* world grain exports in 1990. But if Chinese demand for meat and other foodstuffs grows even a small amount to a diet equal to that in Taiwan (400 kilograms of grain per person annually; in the U.S. we consume twice that), then demand could be as much as 641 million tons, leaving a dearth of nearly twice the exports available in 1990. U.S. export capacity will likely *fall* by 2030, due to a projected increase of 100 million in its population, and a resultant loss of cropland. For example, between 1982 and 1992 development cut Michigan's cropland from 16.5 million acres to 10.0 million acres.[4]

Nor is China alone in its growing need for grain. Brown includes data for ten of the world's most populous countries. This group, which includes India, Iran, Pakistan, Egypt, Nigeria, and Mexico, will together need to import 190 million tons of grain by 2030, not much less than the total of 200 million tons exported in 1990.

Can anything be done to prevent the Chinese "accident of history" from devastating the planet? Brown points to several steps China and other countries should take soon:

1. Stabilize world population, notably by strengthening the unpopular one-child-per-couple policy in China.

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2. Protect the agricultural base — topsoil, aquifers, climatic system. Price water at full cost (especially near Beijing); protect farmland from nonfarm uses; plant more trees.

The more affluent countries must help: decrease consumption of livestock products; stop using corn to produce ethanol fuel; switch tobacco and cotton fields to grain; improve food storage facilities; invest in agricultural research.

This book, really a truncated and hence more readable book than Brown's and Kane's *Full House*, should be studied by policymakers and politicians who care about the future. Time is not on our side, says Brown. "China's prospective emergence as a massive grain importer is a wake-up call — one that will force us to address issues we have long neglected.... Unless we act quickly and decisively, neither history nor our children will judge us kindly." ■

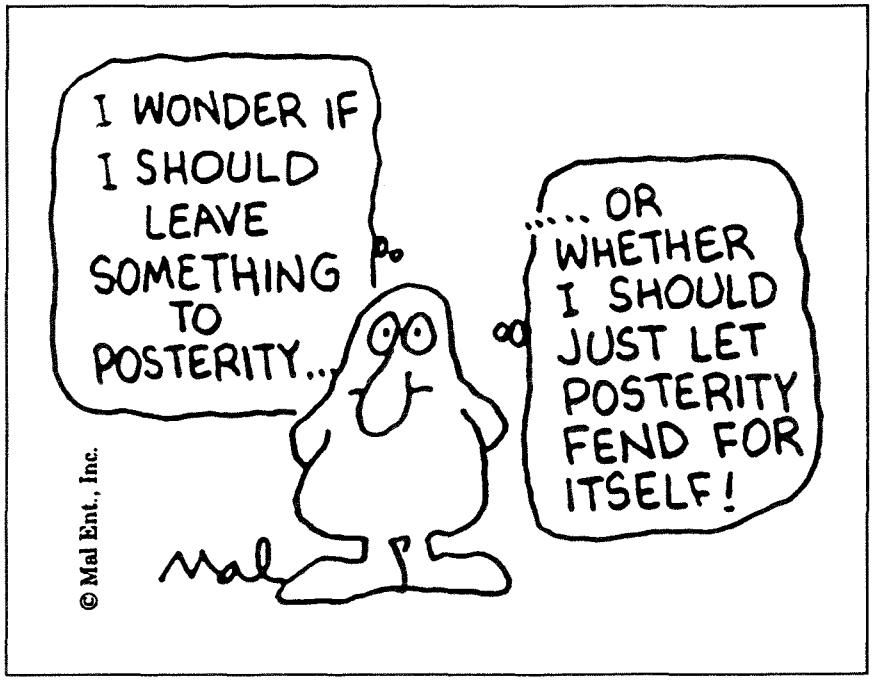
NOTES

[1] Ms. Brown reviewed this book in THE SOCIAL CONTRACT, Vol. V, No. 4, p.310.

[2] Data by phone from the office of Agricultural Statistics, Department of Agriculture, Lansing, MI, (800) 453-7501.

[3] Food, beverage and tobacco costs as a percentage of income statistics are from United Nations, National Accounts Data Tape, provided by American Farm Bureau, Albany and Chicago offices. Information on China furnished in Brown's book.

[4] Source: Michigan Farm Bureau. Cited in an editorial in *The Petoskey News-Review*, December 15, 1995, p.4.



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The Fourth American Republic

A Book Review by William W. Chip

The chief concern of *The Next American Nation* is the "Brazilianization" of American society, defined by author Michael Lind as the growing income disparity between an inbred white "overclass" and a disproportionately colored working class. Lind, currently editor of *The New Republic*, introduces into the national debate on our widening economic and racial divisions a novel interpretation of American political history, from which the roots of Brazilianization and a means of reversing the process can both be discerned.

THE NEXT AMERICAN NATION
By Michael Lind
New York: The Free Press, 1995
436 pages. $25.00

Most books reviewed in *The Social Contract* aren't really about social contracts, but this book is. Lind sees American political history as a series of grand compromises within the American polity that served to maintain national unity and social order. Each of these grand compromises became the framework for all other important political, economic, and social relationships. Each was revolutionary enough to constitute a new American Republic.

The first grand compromise was between the business elites of the North and the slave-owning aristocracy of the South. The North's toleration of slavery where it already existed held together the First American Republic from the Revolution until the Civil War. However, the grand compromise was repudiated and the Republic was dissolved when Northern electoral votes swept Lincoln, the antislavery Republican, into the White House.

After the Civil War had leveled the southern aristocracy, the northern business elites found themselves allied with a white working class that had done most of the fighting and consisted disproportionately of Irish and German immigrants. According to Lind, the irreducible demand of the postbellum white working class was protection from nonwhite labor competition, which was achieved under the Second American Republic by excluding Asian immigrants and segregating black Americans.

The grand compromises that constituted the First and Second American Republics both took for granted the existence of an American nation defined by race. In naming the First Republic "Anglo-America," Lind cites Thomas Jefferson's vision of the American nation as that branch of the Anglo-Saxon race that had liberated itself from the absolutist church and state that he associated with Continental Catholicism.

Under the Second Republic, which had to accommodate a growing population of non-British immigrants, the American nation was redefined as "Euro-America" — a new branch of the white race formed in a melting pot of European immigrants. While Lind detests the racist underpinnings of the Second Republic, he credits its century-long inclusion of working class whites and their unions in the political order for moving the country in a more egalitarian direction, culminating in a high-wage economy and the welfare state.

The service of black soldiers during World War II and the Cold War imperative of winning influence with a nonwhite Third World undermined the racial assumptions of the Second Republic. While the ensuing civil rights revolution might have led to a more inclusive definition of American nationality, it instead gave birth to a Third American Republic, "Multi-Cultural America," which has rejected the very notion of a single American nationality. In the Third Republic each of us is assigned to one of five race-based nationalities — white, black, Hispanic, Asian, or American Indian — conceived by a federal bureaucrat.

The grand compromise that sustains the Third Republic is between, on the one side, an increasingly inbred and insulated "white overclass" of wealthy, academically credentialed professionals and property owners and, on the other side, ambitious nonwhite Americans who might be challenging the social order if given no reason to support the status quo. Support

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for the status quo is purchased with affirmative action and other programs that shield middle class minorities from competition with the white majority, much as the white working class was shielded from black and immigrant labor competition in the Second Republic. So long as they do not challenge the prerogatives of the white overclass, ambitious people of color can aspire in the Third Republic to join the overclass of their own nationality.

The practices engendered in the academy and elsewhere by affirmative action and multiculturalism beg to be ridiculed, and Lind is unsparing on that score. He notes, for example, that new immigrants, while no longer expected to assimilate into a common American nationality, are nevertheless pressured by educators and social workers to assimilate into one of the five official races. Thus, Mexican immigrants are not encouraged to become Americans, or Mexicans in America, but "Hispanics."

Lind regrets the grand compromise that produced and sustains the Third Republic because, in his opinion, it has allowed the white overclass to reverse much of the social progress achieved under the Second Republic. While the middle and lower classes do battle in the zero-sum game of racial preference, politicians of both parties collaborate to dismantle the union movement, trade and immigration restrictions, and the progressive income tax.

Citing data familiar to readers of *The Social Contract*, Lind singles out mass admission of unskilled immigrants as symptomatic of Third Republic policies that deliberately depress wages and otherwise benefit wealthy whites at the expense of everyone else. (Lind overlooks the extent to which much of the nonwhite political elite regard these immigration policies as an integral part of the grand compromise.) This analysis of immigration, if nothing else, makes *The Next American Nation* an important book. Almost the only contemporary books that deal seriously with immigration are those that deal with nothing else. They are laundry lists of what's good or bad about immigration by authors who favor or oppose current policies. Consequently, even the best of them can appear polemic or pedantic, putting off or putting to sleep readers not already converted to the author's cause. Because Lind's concerns with immigration are manifestly secondary to his concern about growing inequality, his arguments for a reduction of immigration may have the ring of truth to many otherwise deaf ears.

Lind believes that the Third Republic is inherently unstable because whites who are threatened by affirmative action and mass immigration are too large a part of society to be counted out. Also, most U.S. citizens, white and nonwhite, sense that they possess an American nationality that is not confined to their own race and has more to it than an abstract commitment to the Constitution. While the multiculturalists have succeeded in muffling popular articulation of this common American nationality, they have failed to sell their own multinational paradigm to anyone except those who make a living from it.

Perhaps the principal message of *The Next American Nation* is that Eurocentrism is dead, multiculturalism is dying, and whoever succeeds in filling the void will shape the American political, economic, and social orders for much of the 21st century. Lind cautions secular liberals that the Christian right has something to offer that they do not — a definition of American nationality that has authentic American roots and can transcend both citizenship and race. He encourages those who oppose a nationality based on shared religious convictions to promote a different successor to Multi-Cultural America — "Trans-America."

According to Lind, a Trans-American Fourth Republic would celebrate the language, music, sports, customs, and other cultural traits that are shared by Americans of all races and religions and that mark us in the eyes of the world as a distinct people. The Fourth Republic would tolerate but would refuse to subsidize or authenticate idiosyncratic expressions of religious or racial identity.

The Next American Nation argues that public awareness of a common Trans-American nationality is the *sine qua non* of the reforms that Lind holds are necessary to reverse the process of Brazilianization in the United States. However, the reforms that he proposes are so dramatic (national election of Senators), so unconventional (imposing a "social tariff" on imported goods from low-wage countries), or so fanciful (appointing new Founding Fathers) that many of Lind's penetrating insights into the past and the present may get lost in the laughter over his prognostications. That would be unfortunate because, whatever its shortcomings, *The Next American Nation* grapples with issues of race and wealth in American society that few political commentators have dared confront.

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The Roots of American Order

A Book Review by Joseph Fallon

"Who controls the past controls the future; who controls the present controls the past." So wrote George Orwell in his novel *Nineteen Eighty-four*. This maxim describes the practice of the proponents of multiculturalism and Third World immigration who through their current influence over the U.S. educational establishment seek to deconstruct the American nation by first denying such a nation ever existed.

That America is a historic nation with a specifically designed culture, however, is brilliantly documented in two books: *America's British Culture* by Russell Kirk, and *The Racial Origins of the Founders of America: Extracted and Abridged from the Works of Madison Grant and Ales Hrdlicka* by R. Peterson.

AMERICA'S BRITISH CULTURE
by Russell Kirk
New Brunswick, NJ:
Transaction Publishers, 1993
122 pages, $29.95

THE RACIAL ORIGINS OF
THE FOUNDERS OF AMERICA
by R. Peterson
Washington, DC: Scott-Townsend, 1995
124 pages, $16.00
(Special price to readers; see endnote)

In the opening paragraph of *America's British Culture* the late author, educator and conservative intellectual, Russell Kirk, writes what everyone educated before the 1970s should know: "...if somehow the British elements could be eliminated from all the cultural patterns of the United States — Americans would be left with no coherent culture in public or in private life."

In his book Professor Kirk examines each of the four cultural pillars on which the American nation was built and on which its continued survival depends: the English language, English common law, British representative government, and British mores, i.e., moral habits, beliefs, conventions and customs. At the end of his book, Professor Kirk provides a "Chronology Until the Beginning of the Twentieth Century" outlining the genesis and growth of America's British culture.

In *America's British Culture*, Russell Kirk establishes that America possesses a specific national culture that is essentially British as modified by the American wilderness. In defending this culture, Professor Kirk includes the insights of a host of luminaries from Henry Maine and Alexis deTocqueville to Thomas Sowell and Arthur Schlesinger, Jr. along with his own extensive knowledge of both British and American history.

As the historian Louis B. Wright wrote: "...the vigor of British culture was such that it gave to all the cities and towns along the route of the westward migration a characteristic stamp. Different as are Philadelphia, New York, Boston, Cincinnati, Lexington, Indianapolis, St. Louis and Seattle, they all have a common denominator that goes back to the seventeenth century and the stock of ideas that British settlers brought with them."

That America has always been a "Western European" nation is shown in *The Racial Origins of the Founders of America* by R. Peterson which offers readers in one volume the abridged versions of both Madison Grant's 1933 classic *The Conquest of the Continent* and Ales Hrdlicka's 1925 seminal work entitled *Old Americans*.

As Grant wrote: "It is probably accurate to say that there never has been a nation which was so completely and definitely Protestant as well as Nordic as was the United States just after the American Revolution."

Madison Grant was an "Old American." His ancestors came to America from Scotland after the

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English defeated the second Jacobite rebellion of the Highland clans at Culloden Moor in 1745. Grant was a noted eugenicist who authored a monumental work on that subject in 1924 (*The Passing of the Great Race*) as well as an influential conservationist responsible, with Theodore Roosevelt, for establishing Yellowstone National Park and the New York Zoological Society.

Over 80 percent of *The Racial Origins of the Founders of America* is devoted to an abridged version of *The Conquest of the Continent* by Madison Grant. In this work Grant first establishes how from colonial times through the 19th century the racial identity of America has been Nordic, principally British.

"...America possesses a specific national culture that is essentially British as modified by the American wilderness."

Grant traces the conquest of North America by British Americans and explains how, in the westward migration to the Pacific, various states became "parents" to new states. Kentucky, for instance, was the parent to Missouri; Arkansas the daughter of Tennessee.

The family of Daniel Boone, the famous pioneer whose ancestors came from England, is employed by Grant to illustrate the process. Boone himself was from Eastern Pennsylvania and migrated first to Western North Carolina, then to Kentucky, finally to Missouri. His son, in turn, was among the first settlers in Kansas, and his grandson pioneered the wilderness of Colorado.

Examining the westward migration in terms of regions, Grant describes how settlers from New England colonized the states from Upstate New York to Oregon, while Southerners settled the states from the Midwest to the Southwest.

The final pages of *The Racial Origins of the Founders of America* offer an abridged version of Ales Hrdlicka's *Old Americans*. At fourteen Hrdlicka emigrated to America from Bohemia, today's Czech Republic. He graduated from medical school, but soon changed his profession and became this country's leading physical anthropologist.

The abridged version of Hrdlicka's work shows fourteen photographs of "Old Americans," individuals whose ancestors arrived prior to the War Between the States, in many cases prior to the American Revolution.

In order to ascertain the physical and physiological characteristics of "Old Americans," Dr. Hrdlicka conducted a study between 1910 and 1924 on over 1,000 subjects. In the text accompanying the photographs he discusses what motivated him to initiate this study, including his concern that low fertility rates among "Old Americans" in the face of mass immigration from non-traditional sources threatened their demographic survival and hence the survival of the American nation itself. At this time Congress was responding with immigration restriction legislation passed in 1917, 1921 and 1924.

The concerns raised by Hrdlicka are valid today. It took 120 years (1790-1910) for the European portion of the American population to increase from 81% to 89%. As a result of the 1965 Immigration Reform and Control Act, which encouraged massive Third World immigration, the European American population was reduced from 89% to 75% over the next twenty-five years so that by 1990, proportionally, there were fewer European Americans than in 1790. If trends continue it is projected European Americans will be a numerical minority in sixty years. Since America has never existed without a European majority, and since the Third World has never been able to produce a political system like America's, or sustain democratic institutions in general, it is problematic whether an America with a non-European majority can endure.

America's British Culture by Russell Kirk and *The Racial Origins of the Founders of America* by R. Peterson are rewarding works of research and inquiry. Parents in particular will be interested in purchasing copies of both books to insure their children receive a proper foundation in civics and American history. ■

[Special offer to readers of THE SOCIAL CONTRACT: *The Racial Origins of the Founders of America* by R. Peterson may be ordered for $9.75 plus $2.00 shipping and handling from Scott-Townsend Publishers, P.O. Box 34070, NW Washington, DC 20043.]

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Katharine Betts is a senior lecturer in sociology at the Swinburne University of Technology in Melbourne, Australia. She is co-editor of the Australian quarterly People and Place, *which focuses chiefly on immigration policy questions.*

Eating The Future

A Book Review by Katharine Betts

If you enjoy the modern miracle story of evolution you will love this book. And, if you worry about the prospects of our species as we race headlong into an obscure future, you will not find solace within its pages but you will find new ideas and a fresh perspective on the past, as you try to imagine and shape that future.

Tim Flannery, senior research scientist at the Australian Museum, presents the story of human evolution. But this is not the familiar version where African genesis leads, inch-by-inch, to the wonders of Cro-Magnon man and the Lascaux cave paintings. In his account the coastal regions, tidal zones and mud flats of South East Asia play a crucial role. It was here, Flannery argues, around the edges of the Banda sea, that the descendants of Homo erectus developed into modern people. Perhaps Africa was recolonized by these Banda people, these Australoids.[1] But, whatever the answer to that question, it is almost certain that the people of the South-East Asian littoral were the immediate ancestors of the Australasians, the inhabitants of New Guinea and Australia.

THE FUTURE EATERS: AN ECOLOGICAL HISTORY OF THE AUSTRALASIAN LANDS AND PEOPLE
By Tim Flannery
Sydney, Australia: Reed, 1994
(Distributed in the U.S. and Canada by George Braziller, Inc.
60 Madison Avenue, NYC, 10010)
US$25.00

The first part of *The Future Eaters* is devoted to the geological creation of Australia, New Guinea, New Zealand and New Caledonia as they broke lose from Gondwanaland in the south and began the long drift north with their strange freight of animals and plants. But parts two and three are fine examples of human history and prehistory written within an ecological frame of reference (the "new ecological paradigm" that Catton and Dulap urged on the unresponsive Social Science community in 1980).[1] Here in this ecological history the main actors are not laws, parties and parliaments but human numbers, their resource base, the plants and animals which they can gather or hunt or domesticate, germs, germ lines, and the bitter harvest of population booms which, after a period of exuberant expansion and wasteful consumption, crash in human misery and habitat destruction.

People evolved in Africa and Asia but, Flannery argues, we could not have learned to be future-eaters, with all the cultural development and habitat destruction that this term describes, within the confines of our Eurasian homeland. In this homeland we evolved side-by-side with the animals we hunted and the creatures who hunted us, and this side-by-side evolution formed a straight-jacket. The prey species we pursued were canny, wary and fleet of foot. We needed sharp eyes and well-honed weapons to bring them down, while fierce carnivores were always waiting for us to slip or wander or grow too old to hide. Co-evolution concentrates a creature's energies on the struggle to survive and leaves little scope for leaps of imagination, radical innovation and the luxury of experimenting with new ways of living. But what if an animal like Homo sapiens could escape the straight-jacket and find its way to a new ecological niche where the prey had not learned to run and where the predators were few?

Flannery argues that humans made such a step when they crossed the Wallace line. This is an imaginary line running through the Indonesian archipelago, west of the islands of Lombok and Sulawesi, separating the two distinct biological and geological realms of Asia and Australia. It is named for the man who first discerned it, Alfred Wallace, a naturalist who, just as Darwin did, read Malthus and found the theory of natural selection.

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Humans and their ancestors had lived on Bali for a million years, side-by-side with warm-blooded carnivores, animals which ate the unwary and competed with humans for game. The first true future-eaters may have moved east from the island of Bali to Lombok 60,000 years ago.[3] Looking back across the strait they were lonely and separated from their fellows but, turning towards their new home, they found themselves face to face with a cornucopia. They saw naive fauna, animals which did not know that they should run and hide: crabs, pygmy elephants, birds, fish, molluscs — meals without end, or so it seemed. "Without predators and surrounded by naive prey, people would have become, in a sense, gods ... and their offspring would have gone forth and multiplied."[4]

"Will the day of reckoning come when the [resource] account is quite overdrawn...?"

Some years ago William Catton wrote *Overshoot*,[5] arguing that the human population had already overshot its resource base. We did not yet realize this, he said, because we had acquired the technology to tap the Earth's finite supplies of fossil fuels. He painted a grim scenario. We can treat it as bad science fiction, shelving the images and hoping the author is mistaken. Are human beings really living on their natural "capital" rather than their "interest"? Will the day of reckoning come when the account is quite overdrawn and vast numbers of us suddenly find that we lack the means to live? We may hope that this future will never come. After all, we are Homo sapiens and we have thought, planned and invented our way out of many a tight corner in the past. But, what if this future of human numbers overshooting their resource base has already happened (for some people in some places)? What might have taken place and what could we learn from it?

Flannery shows us that Australia, New Guinea, New Zealand and all of the islands of the Pacific have seen human beings burst into new lands, discover a paradise of untapped resources, expand their numbers rapidly, temporarily overshoot their resource base and then face the miserable demographic consequences. Easter Island stands as the grimmest reminder that human populations can flourish exuberantly, produce a complex civilization, and then collapse just like those of any other animal ungifted with our intelligence, language and artefacts.[6]

What happens to these societies as they go down? There are a few brief records of the last decades of the Rapanui people on Easter Island but the picture is more clearly documented for the Maoris in New Zealand. Of all the groups of pre-European colonists which Flannery examines, the Maoris are the most recent. They arrived from somewhere in Polynesia, after a long and well-planned sea-voyage, sometime between 1,000 and 800 years ago.[7] They spread quickly through their new land. So delighted were they with its wide array of birds, especially the giant Moas, that they let the domestic chickens they had brought with them perish. Some 500 years later when the first European, Abel Tasman, encountered them in 1642, the Moas were extinct and the Maoris were locked in bitter tribal warfare, struggling for access to pitiful supplies of fern roots and stunted yams. They were also supplementing their diet with cannibalism. The population crash had progressed further for the Easter Islanders when Jakob Roggeveen came upon them in 1722; the remnant groups, huddled among the boulders in the treeless landscape, greeted him with enthusiasm. The Maoris, in contrast, attacked Tasman's landing party on sight and he could find no safe place to take on water along the whole coast.

What of the Australian Aborigines? They must have been the first group of Homo sapiens sapiens (truly modern people) to occupy a whole continent where no hominid had trod before and no creature had learned to flee as they approached. They first arrived perhaps as long as 60,000 years ago, well before modern people established themselves in Europe (some 45,000 years ago).[8]

The story of the Aborigines' exuberant entry into a unique land innocent of man, well-stocked with diprotodons and other megafauna, and their subsequent harsh readjustment to its limits, are lost in the most distant past. Their stories tell of a "dream time" of creation but, after a long boom, the readjustment must have been more like a nightmare and the land that they had found was dramatically altered by it. The megafauna were lost and long years of "firestick farming" completely transformed the flora from the fire-sensitive but fire-retarding southern beeches, southern pines, tree ferns and sheoaks to the fire-tolerant and fire-promoting eucalypts.[9]

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With the age of exuberance and the crash long behind them, the millennia taught the Aborigines to adjust their numbers to their resource base. They had shaped the land and in many ways impoverished it[10] as they learned from their terrible mistakes, but they did learn. The people had shaped the land but the land had also shaped them. And what of the Europeans, and now the Asians — what of us, the Johnny-come-latelys? The catalogue of our errors and the environmental wreckage we have caused is long and we have still not learned to let the land shape us and our demands upon it.[11]

Will culture always stay with us to protect us from the vicissitudes of nature? Is it possible that Homo sapiens could forget his accumulated wisdom? Environmentalists are used to worrying about over-population and the threat that this poses for the future of mankind. But Flannery's data show that under-population, if it is combined with isolation, can pose problems too. As the last ice age retreated, 10,000 years ago, areas which had been part of the Australian mainland became isolated by sea, especially in the south. People survived for several thousand years on Kangaroo and Flinders Islands but eventually became extinct, probably because their numbers were below 500, the number geneticists believe necessary for the preservation of genetic diversity.

Tasmania is a much larger island and the Tasmanian Aborigines probably averaged around 5,000 individuals at any one time. A group of 5,000 is large enough to maintain the genetic diversity necessary for survival but is it large enough to maintain a rich technology and culture over the very long term? Flannery presents evidence showing that the Tasmanians gradually forgot significant parts of their culture. They forgot how to sew the possum-skin cloaks of the mainland and had to survive the brisk Tasmanian climate without clothing. They forgot how to fish and thus lost access to a large reserve of protein. They forgot how to make fire and had to borrow it from other campsites if their own went out. They lost the art of making boomerangs, spear throwers, and shafted tools.[12]

Flannery invites us to imagine that a country town of 5,000 modern Western people becomes isolated from the rest of the world. How much of our rich material and intellectual culture could we preserve for a period of 10,000 years?

Looked at from this perspective the achievement of the first Tasmanians is remarkable. This fragment of the human race was cut off from its kin before the civilizations of Egypt, Greece and Rome rose and fell. It was cut off before the Mongoloid peoples of northern Asia developed rice-based agriculture and, from its fruits, grew rapidly to displace the Australoids right up to the Wallace line.[13]

"Culture does not cut the Malthusian bond that ties us to our land and its resources."

But, for all that they had forgotten of the material culture of their ancestors, the Tasmanians survived and, unlike the Maoris, appeared to be living relatively peacefully together. When they met the French explorer François Péron on the south-east coast in 1802 they greeted him with a curiosity which grew to open delight as Péron and his crew allowed them to examine their persons and possessions. The Tasmanians conducted their guests back to their camp where the Frenchmen enjoyed a fine feast of shell fish and repaid their hosts with a chorus of songs.

The Tasmanians received the Frenchmen as if they had been old friends. The excerpts Flannery reproduces from Péron's diary[14] will make modern readers weep because we know that, within 30 years, most of these intelligent and open-hearted people were dead, victims of disease and the war of European settlement. (Flannery does say that this terrible history is not often taught in schools. On this I must differ. I was brought up in Hobart, Tasmania, and the dreadful story of the virtual extermination of the original Tasmanians was taught to me in primary school.)

It is clear Flannery is no narrow biologist blind to the culture that social scientists celebrate. He is very sensitive to it. But he does not believe that it exempts us from nature's limits. Culture does not cut the Malthusian bond that ties us to our land and its resources. Rather it is the means by which we can, if we will, adapt our numbers and our demands to our resources. We are not necessarily trapped by the biological predicament we have created for ourselves. Centuries of print and careful science and shared reflections have given us options and choices which the Maoris and the Rapanui lacked. The inventiveness

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that allowed us to use our own orgy of future eating to develop knowledge and understanding must be used in grave earnest now.

If we can muster the intelligence and wisdom to see our predicament within its ecological context, we can minimize our present and future troubles. The blindness of the human exemptionalist paradigm (the mind-set gripping most social scientists, economists and other technological optimists)[15] can only stand in our way. Choosing paradigms is not a matter of whim or postmodern fashion. It is a choice between adapting to our habitat on terms which minimize human suffering or waiting until the habitat forces adaptation on us.

Flannery has a message for all his readers but his book is written from an Australian perspective. One feature of the lands east of the Wallace line is that, like the Americas, humans arrived in them as modern people. In America the native Americans and, later, the Europeans did indeed find a cornucopia. In Australia the cornucopia was an illusion. This geologically old "new" land was strangely barren. The region is subject to erratic climate changes and the massive glaciers which had ground out the rich earth of the Northern Hemisphere had passed it by, leaving the soil thin and infertile. Not for Australia the deep black soil of the Ukraine or the steady march of the seasons loved and celebrated in Northern Europe and North America. Instead there are long years of drought, followed by flooding rains and, since European settlement, the erratic climate has also been punctuated by apocalyptic bush fires.

The bush fires are man-made. The Aborigines changed the flora millennia ago to the highly flammable but nonetheless fire-resistant eucalypts. While this change created the risk, the Europeans exacerbated it. They put an end to the Aborigines' fire-stick farming, and the regular "cool" burnings it involved, and allowed woody scrub to grow under and around the trees where it waits, ready to fuel the next inferno.

But we owe the climate to the El Niño Southern Oscillation, a phenomenon which we have only recently come to understand. Our immediate ancestors could look on long years of drought, where their stock died and their soil blew off the land, as an aberration, bad luck, an abnormal interruption to the normal progression of spring rains and summer growth. They had come from the seasons of the Northern Hemisphere; they knew that these seasons would be reversed down-under, but they still expected them to re-appear each year in their God-given order. Their expectations were and are often disappointed. Certainly it is colder in winter and hotter in summer but we now know that it is not safe to predict more than that. The normal seasonal pattern for Australia is abnormality.

Flannery has a broad grasp of geological and evolutionary history and a deep understanding of the biological present. Therefore he does not shrink from drawing conclusions about the numbers of people Australia could and should support. If we are to preserve prudent margins for safety, and if we are to protect the biodiversity that is fast shrinking around us, we should aim to slowly reduce our numbers from the present 18 million to between six and 12 million.[16] Some Australian reviewers who have delighted in Flannery's panoramic history have balked at this demographic conclusion. But it follows with a gentle and unswerving logic from all that has gone before.■

NOTES

[1] T. F. Flannery, *The Future Eaters: An Ecological History of the Australasian Lands and People*, Reed, Sydney, 1994, pp. 153, 162.

[2] See W. R. Catton and R. E. Dulap, "A new ecological paradigm for a post-exuberant society," *American Behavioral Scientist*, vol. 24, no. 1, 1980, pp. 15-47.

[3] Flannery, op. cit. pp. 159-60.

[4] ibid., p. 160.

[5] W. R. Catton, *Overshoot: The Ecological Basis of Revolutionary Change*, University of Illinois Press, Urbana, 1980.

[6] Flannery, op. cit., pp. 254-7.

[7] ibid., p. 165.

[8] ibid., pp. 147-153, 300.

[9] See ibid., p 225.

[10] ibid., p. 233.

[11] See ibid., 390-397.

[12] ibid., 264-269.

[13] See ibid., pp. 147-9.

[14] ibid., pp. 313-15.

[15] See Catton and Dulap op. cit.

[16] Flannery, op. cit. p. 369.

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Two Books From Australia on the Nation-State

Brief Reviews by David Payne*

A Nation of Our Own
by Robert Birrell

Sociologist Birrell is disturbed by the fact that a whole generation of Australians is growing up looking upon their past with disdain and even shame. This is happening because the history of Australia is in process of being revised by young academics with axes to grind. Feminists, Aborigines and migrant groups gnash their teeth when pondering old accounts of Australia's budding nationhood in which nationalism is seen not only as leading to a new concept of nationhood, but also to social reform. It grates on these groups to think that a society that abused them could possibly have produced anything worthwhile. Marxists further poison the well with their baseless assumption that any and all actions taken by the federationists must have been motivated by a need to keep the masses at bay. Birrell argues point by point against the revisionist positions, and scores well in my opinion. His book is an intellectual response to the "Asianization" policies of the Australian government.

Australia Betrayed
by Graeme Campbell and Mark Uhlmann

While Birrell calmly and rationally argues for the falseness of the revisionist position, Campbell (a member of the Australian House of Representatives) and Uhlmann take a different approach. They assume the falseness of revisionism and try to persuade the mass of Australians that they are in fact being betrayed. Theirs is a well-written, in-your-face plea for "intelligent nationalism," which stresses the importance of maintaining good relations with Asian countries and does not oppose the desirability of becoming better informed about them. Such things must be done, however, without sacrificing the culture and traditions of Australia — without becoming an "Asian nation."

[*A Nation of Our Own* by Robert Birrell. Melbourne: Long Australia Pty Ltd., 1995. 292 pages. *Australia Betrayed* by Graeme Campbell and Mark Uhlmann. Carlisle, Western Australia: Foundation Press, 1995. 204 pages. Both books available from the Social Contract Press at $14.95 each.]

*David Payne teaches philosophy in Petoskey, Michigan.

Not Strangers, But Not Friends

A Quotation From *The Black Sea* by Neil Ascherson (New York: Hill and Wang, 1995, $23.)

"Peoples who live in communion with other peoples, for a hundred or a thousand years, do not always like them — may, in fact, have always disliked them. As individuals, 'the others' are not strangers but neighbors, often friends. But my sense of Black Sea life, a sad one, is that latent distrust between different cultures is immortal.

"Necessity, and sometimes fear, binds such communities together. But within the binding-strap they remain a bundle of disparate groups — not a helpful model for the 'multi-ethnic' society of our hopes and dreams. It is true that communal savagery — pogroms, 'ethnic cleansing' in the name of some fantasy of national unity, genocide — has usually reached the Black Sea communities from elsewhere, an import from the interior. But when it arrives the apparent solidarity of centuries can dissolve within days or hours. The poison, upwelling from the depths, is absorbed by a single breath."

"In the Strawberry Fields," by Eric Schlosser, *The Atlantic Monthly*, November 1995, pp. 80-108 is a detailed and evenhanded look at the stoop labor strawberry crop, as grown in California. Here are some tidbits:

- Labor is 50-70% of the cost of growing the crop.
- Migrant workers are cheap in California, largely owing to illegal immigration.
- Guadalupe, California's Latino composition in 1960 was 18%, in 1995 it is 83%.
- The whole system depends on a steady supply of illegal immigrants to keep farm wages low, and to replace migrants who have either returned to Mexico or found better jobs in California.
- The rural population of Mexico has tripled since the 1940s, and now stands at roughly 30 million.
- The SAW (seasonal agricultural worker) amnesty was one of the biggest frauds in American history.

— John Tanton

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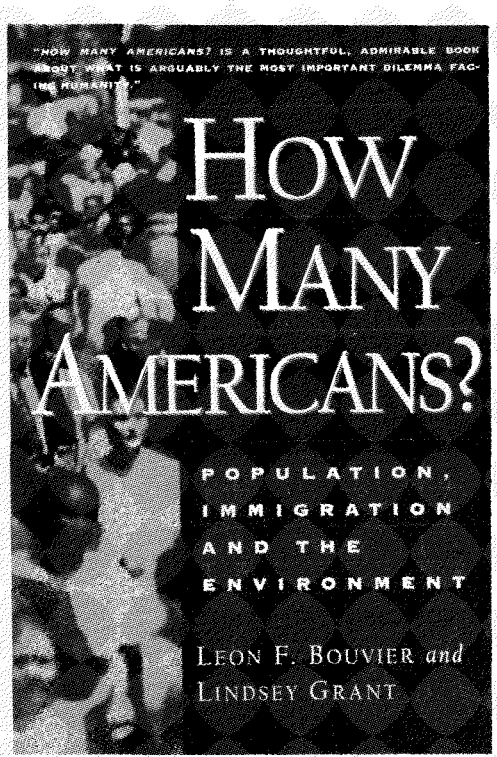
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